JOINT APPENDIX

FILE

JAN 2 19

MICHAEL RODAK, JR.

SUPREME COURT OF THE UNITED STATES
October Term 1973

No. 73-434

WILLIAM G. MILLIKEN, Governor of the State of Michigan, et al.,

Petitioners,

-v-

RONALD BRADLEY, et al.,

Respondents.

No. 73-435

ALLEN PARK PUBLIC SCHOOLS, et al.,

Petitioners,

-v-

RONALD BRADLEY, et al.,

Respondents.

No. 73-436

THE GROSSE POINTE PUBLIC SCHOOL SYSTEM,

Petitioner,

-v-

RONALD BRADLEY, et al.,

Respondents.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITIONS FOR CERTIORARI
FILED SEPTEMBER 6, 1973
CERTIORARI GRANTED NOVEMBER 19, 1973

VOLUME V
Exhibits and Depositions

Reporting Company — Detroit, Michigan

TABLE OF CONTENTS

VOLUME V

	Page
Exhibits	
Detroit Teachers Contract	V a 1
Michigan Real Estate License Law	V a 4
Plaintiff's Exhibit 59	V a 5
School Site Location Bulletin	V a 11
Exhibit P.X. 174	V a 13
Map of Tri-County Area	V a 14
Map of School District of Detroit	V a 15
Excerpt from Exhibit P.C.-6	V a 16
Mileage Survey Suburban Schools	V a 17
Plaintiff's Exhibit 56A	V a 21
Plaintiff's Exhibit 79	V a 24
Plaintiff's Exhibit 128A	V a 31
Plaintiff's Exhibit 128B	V a 32
Plaintiff's Exhibit 129	V a 33
Plaintiff's Exhibit 131	V a 34
Characteristics of Present Racial Distribution (P.X. 138)	V a 35
Plaintiff's Exhibit 150	V a 42
School Construction to be Opened by September, 1971	V a 43
Plaintiff's Exhibit 161A	V a 44
Plaintiff's Exhibit 162A	V a 45
Plaintiff's Exhibit 163A	V a 46
Plaintiff's Exhibit 163AA	V a 47
Plaintiff's Exhibit 177	V a 48
Report of Commission On Community Relations	V a 52
Plaintiff's Exhibit 178	V a 64

	Page
Plaintiff's Exhibit 183B	V a 69
Answer of State Defendants to Request for Admissions	V a 76
Supplemental Answer	V a 86
Plaintiff's Exhibit 189E	V a 87
Plaintiff's Exhibit 185	V a 89
Statement of A. L. Zwerdling (P.X. 189)	V a 91
Defendant's Exhibit NN	V a 102
Exhibit PM 13	V a 105
Exhibit PM 12	V a 111
Exhibit PM 19	V a 116
Enrolled Senate Bill No. 1140	V a 123
Enrolled House Bill No. 5840	V a 143
Enrolled Senate Bill No. 1269	V a 147
Emergency Appropriations	V a 167
Detroit Board Exhibit JJ	V a 169
Depositions	V a 180
Dr. Norman Drachler, March 31, 1971	
Cross Examination by Mr. Lucas	V a 181
Dr. Norman Drachler, June 28, 1971	
Direct Examination by Mr. Bushnell	V a 183
Cross Examination by Mr. Lucas	V a 192
Harold Wagner, March 22, 1971	
Direct Examination by Mr. Dimond	V a 197
Cross Examination by Mr. Krasicky	V a 232
Cross Examination by Mr. Weaver	V a 234
Redirect Examination by Mr. Dimond	V a 234
Recross Examination by Mr. Krasicky	V a 237
Dr. John W. Porter, March 23, 1972	
Direct Examination by Mr. Dimond	V a 238

AGREEMENT

between

THE BOARD OF EDUCATION
OF THE SCHOOL DISTRICT
OF THE CITY OF DETROIT

and the

DETROIT FEDERATION OF TEACHERS
LOCAL 231
AMERICAN FEDERATION
OF TEACHERS, AFL-CIO

July 1, 1969 - July 1, 1971

APPENDIX

SALARY SCHEDULES AND FORMULAS
CLASSROOM TEACHERS
10 Months (39 Weeks)

B.A. or Less — 1969-70

Beginning salary will be the average of the top ten beginning salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Maximum salary will be the average of the top ten maximum salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Increments will be approximately equal between salary steps.

No salary step will be less than that in the 1968-69 salary schedule.

M.A. — 1969-70

Beginning salary will be the average of the top twelve beginning salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Maximum salary will be the average of the top twelve maximum salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Increments will be approximately equal between salary steps.

No M.A. salary increase will be more than the actual amount necessary to make up the 1968-69 difference plus 25 percent of the new difference established by the 1969-70 averages of the districts used.

---

*Four separate sets of districts may be used to reach the averages as set forth above. The districts may or may not be the same.

The top districts shall be determined as of October 1 of each year or when all districts in the tri-county area are settled, whichever occurs first.

Prior year's rates will be paid until new rates are known. New rates shall be retroactive to the first day of the school year.

B.A. or Less — 1970-71

Beginning salary will be the average of the top seven beginning salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Maximum salary will be the average of the top seven maximum salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Increments will be approximately equal between salary steps.

1970-71 salary increases will be set by the averages set forth above OR by the increase in the cost of living between July 1, 1969 and July 1, 1970 on the Bureau of Labor Statistics Consumer Price Index whichever is greater.

M.A. — 1970-71

Beginning salary will be the average of the top nine beginning salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Maximum salary will be the average of the top nine maximum salaries in the tri-county (Wayne, Oakland, Macomb) area school districts.*

Increments will be approximately equal between salary steps.

---

*Four separate sets of districts may be used to reach the averages as set forth above. The districts may or may not be the same.

The top districts shall be determined as of October 1 of each year or when all districts in the tri-county area are settled, whichever occurs first.

Prior year's rates will be paid until new rates are known. New rates shall be retroactive to the first day of the school year.

THE REAL ESTATE LICENSE LAW IS ADMINISTERED

BY

The Michigan Corporation and Securities Commission

HOWARD M. WARNER, *Commissioner*

HAROLD G. GROEHN, *Chief Deputy Commissioner*

REX P. CRANSON, *Deputy Commissioner*

LANSING OFFICE: 9th floor, Bank of Lansing Bldg., Lansing
Telephone 58111—Extension 171

BRANCH OFFICE: 2000 Cadillac Square Building, Detroit
Telephone CHerry 6170

Address all communications regarding this law to The Michigan Corporation and Securities Commission, Box 898, Lansing (4), Michigan.

V a 5

Michigan Corporation and Securities Commission

PLAINTIFF'S EXHIBIT 59

LANSING, MICHIGAN

Department of Real Estate

REAL ESTATE LICENSE LAW
(and Regulations)

Act No. 306 of the Public Acts of 1919, as amended by Act No. 387, P. A. of 1921, Act No. 111 P. A. of 1929, Act No. 128, P. A. of 1931, Act No. 188, P. A. of 1937, Act No. 268, P. A. of 1939 and Act No. 57, P. A. of 1943; entitled:

"An act to define, regulate and license real estate brokers, real estate salesmen, including within the term real estate broker, also those who act as real estate appraisers, real estate mortgage brokers, building job brokers, business chance brokers, and those who, as owners or otherwise, engage in the sale of real estate as a principal vocation, and persons employed by any of them as salesmen, and to provide a penalty for a violation of the provisions hereof."

Second Edition

FRANKLIN DEKLEINE COMPANY

HARRY F. KELLY
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

To the Real Estate Men and Women of the State of Michigan

Greetings:

Michigan's Real Estate License Law - Act No. 306 of the Public Acts of 1939, was further amended by the 1943 Legislature to accomplish certain desirable effects.

Sec. 2 - the definition of a real estate broker has been redefined so as to include within its scope the former definition of the business chance or business opportunity broker. The effect of this is that all real estate brokers may now dispose of business opportunities without the necessity of first procuring a separate license.

Sec. 8 - provides that the Commission shall have the authority to require at its discretion written examination or re-examination of brokers and salesmen.

Sec. 11 - provides that all licenses issued after December 31, 1943, shall expire December 31, 1946. This lengthens the term from one year to three years and eliminates the necessity of filing annual renewal applications.

In its administration of the Law, the Michigan Corporation and Securities Commission has found that the men and women engaged in the real estate vocation in Michigan are entirely in agreement with the principles of the real estate license law and its operation.

To these men and women engaged in the sale of real estate and to their employees, I wish to extend my sincere best wishes for success in their endeavors, and to compliment them on the high public esteem their vocation has achieved.

The high character of their methods of operating are a distinct credit to themselves and to the State of Michigan.

Sincerely yours,

Harry F. Kelly

Governor

MFK:ep

MICHIGAN
CORPORATION AND SECURITIES COMMISSION
LANSING

HOWARD M. WARNER
COMMISSIONER

To the Real Estate Brokers and Salesmen of Michigan:

The Michigan Corporation and Securities Commission has prepared this pamphlet containing, in addition to other valuable information, the real estate license law, Act 306, P. A. 1919, as amended, with the 1943 amendments printed in italics, together with the new rules and regulations which were officially adopted on June 21, 1943. The 1943 amendments in italics are of great importance and should be read and studied very carefully

We wish to emphasize that the broker or salesman who fails or neglects to abide by the rules and regulations in sections one (1) to six (6) shall be presumed to be guilty of unfair dealing. We strongly urge you to study very carefully the whole real estate license law and all of the rules and regulations

The Commission each year conducts educational conferences and publishes educational bulletins for the benefit of its licensees. Copies of all lectures given at the educational conferences and copies of all educational bulletins may be obtained free of charge by writing to the Commission. We are confident that the standards of the real estate practice have definitely improved, and that the real estate brokers and salesmen today enjoy a greater degree of confidence from the public by reason of the real estate license law. We sincerely believe, however, that these standards can be raised even higher with the continued cooperation and loyal support of all members of the profession.

Sincerely yours,

Howard M. Warner

COMMISSIONER

TABLE OF CONTENTS

	Page
Governor Harry F. Kelly's Message to Brokers and Salesmen	4
Commissioner Howard M. Warner's Message to Brokers and Salesmen	5
Real Estate License Law:	
Definitions	9
Exemptions	10
Applications	11
Citizenship Requirements	11
Examinations	12
Experience Requirements	13
Transfers, Salesman's	13
Partnership and Corporation Licenses	14
Term of Licenses	15
Lotteries, Contests, Games, Prizes, Drawings, Prohibited	15
Sale of Promotional Property Located Outside Michigan	15
Investigation of Complaints	15
Revocation or Suspension of Licenses	16
Appeal from Commissioner's Order	16
Non-Resident Licenses	17
Lists of Licensees	17
Penalty Clause	18
Rules and Regulations	18
License Fees	21
Cost of Certified or Photostatic Copies	21
Code of Ethics	21
Real Estate Boards and Associations in Michigan	26

Page

Suggested Closing Statement Forms:
Office Closing Memorandum Sheet 27
Statement for Seller 28
Statement for Buyer 28
States Having Real Estate License Law 29
Suggested Reading for Real Estate Brokers and Salesmen 29
Map: Distribution of Licensed Brokers by Counties 30
Elements of Real Estate Law:
Foreword 31
The Preliminary Agreement 33
The Abstract and Title Policy 35
The Survey 37
The Land Contract 38
The Deed 40
Assignment of Vendee's Equity 41
The Mortgage 41
Leases 43
Options 44
Platting Lands 44
General Practical Matters 46

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List of Educational Material Available at Office of Michigan Corporation and Securities Commission, Post Office Box 898, Lansing 4, Michigan:

Educational Bulletin No. 1—issued October, 1942

Educational Bulletin No. 2—issued December, 1943

Educational Bulletin No. 3—issued December, 1944

"When Has a Real Estate Broker Earned His Commission?" by Arthur H. Bassett

"Proper Ethical Conduct of a Real Estate Broker" by James E. Atkinson

"Present Day Problems in Real Estate Brokerage" by Clifford W. McKibbin

"Three Fundamental Principles of the Real Estate Profession" by Freer W. Armstrong

"Fundamental Principles of the Real Estate Profession" by John R. Dethmers

CODE OF ETHICS

The foregoing real estate law and the rules and regulations promulgated by this Commission constitute a code of conduct which brokers and salesmen *must* observe. In addition, however, brokers and salesmen *ought* to observe a code of ethics. This Commission subscribes to the code of ethics which has been adopted by the National Association of Real Estate Boards, and, for the information and guidance of brokers and salesmen, said code is printed below:

* * *

party should be made in writing and should be complete and exact.

Article 34. A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.

Article 35. No instructions nor inducements from any client or customer relieve the realtor from his responsibility strictly to observe this Code of Ethics.

INTRODUCTION

This bulletin is prepared and published by the Michigan Department of Education as directed by Act 306, Public Acts of 1937, as amended. It is the intent of this bulletin to furnish school plant planners with a source of information as to the planning process and the necessary procedural methods for processing school projects.

The bulletin, as developed, concerns a resume of school building planning: recommendations of the Department of Education as to site, general building design, and to specific instructional areas; and, the approval standards for review by health and fire safety authorities.

It is hoped that this presentation format will make necessary information most readily available to both public and non-public school authorities.

John W. Porter
Acting Superintendent
of Public Instruction

[IXa280]

Care in site location must be taken if a serious transportation problem exists or if housing patterns in an area would result in a school largely segregated on racial, ethnic, or socio-economic lines.

Ex Px 174

Joint Policy Statement

of the

STATE BOARD OF EDUCATION and MICHIGAN CIVIL RIGHTS COMMISSION

on

Equality of Educational Opportunity

In the field of public education Michigan's Constitution and laws guarantee every citizen the right to equal educational opportunities without discrimination because of race, religion, color, or national origin. Two departments of state government share responsibility for upholding this guarantee. The State Board of Education has a constitutional charge to provide leadership and general supervision over all public education, while the Michigan Civil Rights Commission is charged with securing and protecting the civil right to education.

In addition to the declaration of public policy at the State level, the United States Supreme Court, in the case of Brown vs. Board of Education, ruled: "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

The State Board of Education and the Michigan Civil Rights Commission hold that the segregation of students in educational programs seriously interferes with the achievement of the equal opportunity guarantee of this State and that segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society.

The State Board of Education and the Civil Rights Commission jointly pledge themselves to the full use of their powers in working for the complete elimination of existing racial segregation and discrimination in Michigan's public schools. It shall be the declared policy of the State Board of Education that in programs administered, supervised, or controlled by the Department of Education, every effort shall be made to prevent and to eliminate segregation of children and staff on account of race or color.

While recognizing that racial imbalance in Michigan schools is closely related to residential segregation patterns, the State Board of Education and the Civil Rights Commission propose that creative efforts by individual school districts are essential and can do much to reduce or eliminate segregation. Local school boards must consider the factor of racial balance along with other educational considerations in making decisions about selection of new school sites, expansion of present facilities, reorganization of school attendance districts, and the transfer of pupils from overcrowded facilities. Each of these situations presents an opportunity for integration.

The State Board of Education and the Civil Rights Commission emphasize also the importance of democratic personnel practices in achieving integration. This requires making affirmative efforts to attract members of minority groups. Staff integration is a necessary objective to be considered by administrators in recruiting, assigning, and promoting personnel. Fair employment practices are not only required by law; they are educationally sound.

The State Board of Education and the Civil Rights Commission further urge local school districts to select instructional materials which encourage respect for diversity of social experience through text and illustrations and reflect the contributions of minority group members to our history and culture. A number of criteria are enumerated in "Guidelines for the Selection of Human Relations Content in Textbooks," published by the Michigan Department of Education.

The State Board of Education and the Civil Rights Commission believe that data must be collected periodically to show the racial composition of student bodies and personnel in all public schools, as a base line against which future progress can be measured. Both agencies will begin next month to assemble information on the present situation.

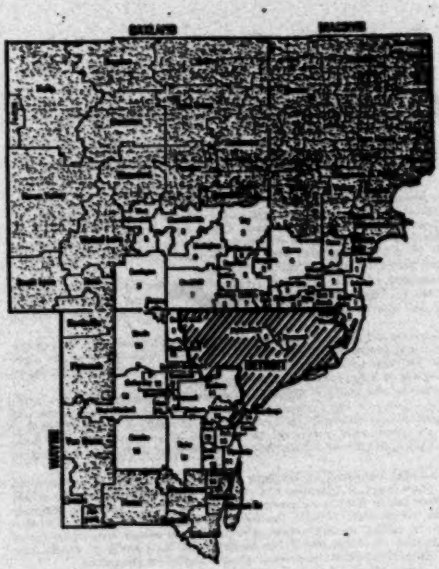
To implement these policies the State Board of Education has assigned staff of the Department of Education to work cooperatively with the Civil Rights Commission and local school authorities for the purpose of achieving integration at all levels of school activity. The Michigan Civil Rights Commission also stands ready to assist local school boards in defining problem areas and moving affirmatively to achieve quality integrated education.

Adopted and signed this twenty-third Day of April, 1958

STATE BOARD OF EDUCATION

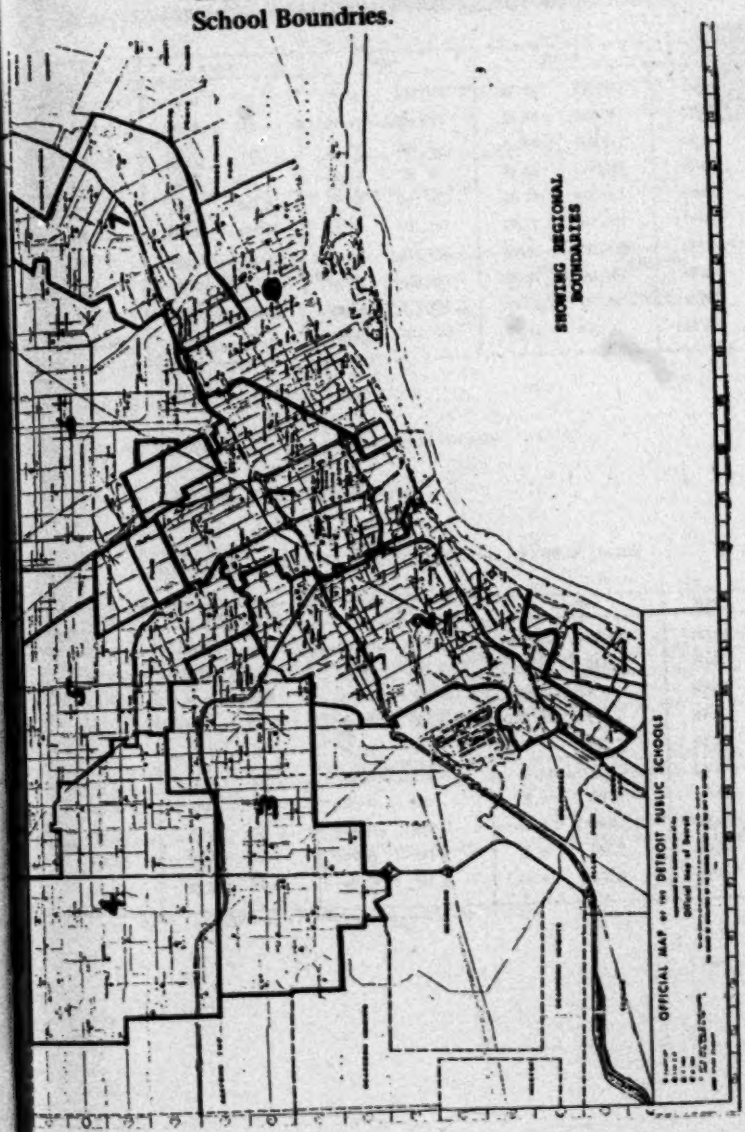
MICHIGAN CIVIL RIGHTS COMMISSION

Map of Tri-County Area



Note: Area designated by diagonal lines indicates present Detroit School District.
Area in white indicates school districts to be affected by Judge Roth's orders.

Map of School District of City of Detroit showing Regional School Boundries.



Excerpt from Exhibit P.C. 6 showing Detroit Racial Mix

FROM EXHIBIT PC-6

TOTAL NUMBERS AND PERCENTAGES OF STUDENTS

DATE	WHITE		NEGRO		OTHER		TOTAL
2/61	153,046	53.6%	130,765	45.8%	1,701	0.6%	285,512
10/63	141,240	48.1%	150,565	51.3%	1,940	0.7%	293,745
10/64	136,077	46.3%	155,852	53.0%	2,037	0.7%	293,966
10/65	130,957	44.4%	161,487	54.8%	2,378	0.8%	294,822
10/66	126,354	42.5%	168,299	56.7%	2,382	0.8%	297,035
10/67	120,544	40.9%	171,707	58.2%	2,614	0.9%	294,865
10/68	113,295	39.0%	175,474	59.6%	4,531	1.5%	295,300
10/69	108,264	36.8%	180,630	61.5%	4,965	1.7%	293,859
10/70	100,717	34.8%	184,214	63.6%	4,832	1.6%	289,763
10/71	96,269	33.3%	187,966	64.9%	5,222	1.8%	289,457

TOTAL NUMBERS AND PERCENTAGES OF SCHOOL FACULTIES

DATE	WHITE		NEGRO		OTHER		TOTAL
2/61	8,210	78.1%	2,275	21.6%	31	0.3%	10,516
10/63	7,669	73.7%	2,700	26.0%	33	0.3%	10,402
10/64	7,757	72.2%	2,961	27.5%	32	0.3%	10,750
10/65	7,820	70.2%	3,292	29.5%	37	0.3%	11,157
10/66	7,792	68.0%	3,628	31.7%	39	0.3%	11,459
10/67	7,747	65.0%	4,125	34.6%	47	0.4%	11,919
10/68	7,733	62.9%	4,490	36.5%	71	0.6%	12,294
10/69	7,373	59.8%	4,879	39.6%	69	0.6%	12,321
10/70	7,189	58.0%	5,106	41.2%	93	0.8%	12,388
10/71	6,893	56.4%	5,248	42.9%	88	0.7%	12,229

Memorandum: Mileage survey showing Suburan Schools

MEMORANDUM

[redacted]

SUBJECT: - Mileage Survey Suburban Schools

FROM : - Norman S. Watson - Student Transportation NSW

TO : - Stuart C. Rankin - Office of Research

DATE : - April 3, 1972

The following is a resume of a transportation survey involving certain Detroit Area and Suburban Schools:

DATE	DETROIT SCHOOL	SUBURBAN SCHOOL	NO OF MILES	MINUTES OF TRAVEL TIME	TIME OF DAY
4/29/72	Hantramck	Troy	14	26	2:57 - 3:23 PM
4/3[illegible]/72	Utica	Kettering	16	31	7:24 - 8:[illegible]5 AM
4/3[illegible]/72	Northern	Birmingham Seaholm	15	3[illegible]	9:05 - 9:35 AM
4/3[illegible]/72	Birmingham Seaholm	Northern	15	28	8:3[illegible] - 9:[illegible]2 AM
4/3[illegible]/72	Northeastern	Warren Woods	1[illegible]	29	2:55 - 3:24 PM
4/3[illegible]/72	Joy Jr. High	Chippewa Valley	21	52	2:55 - 3:47 PM

Travel time is typical of what can be expected with the exception of Northern to Birmingham and return-traffic was light. Woodward Avenue the most direct route, could be changed to the I-75 Freeway but at no special advantage inasmuch as time to and from the Freeway would consume as much time as would be saved. In all travel, major thoroughfares were used, such as Van Dyke, Crossbeck, Schoenherr, Woodward and I-75.

The travel time is actual but consideration should be given to the fact that while all posted speed limits were observed, a bus cannot travel as fast as an automobile in stop and go traffic.

Northeastern and Joy Jr. High were combined because the location of both schools were near enough and to reach Chippewa Valley it was necessary to pass Warren Woods.

NSW/ds

cc Merle Henrickson - Planning and Building Studies

[illegible]

Mileage and Coonection Time between Detroit High Schools and Suburban

Hautranck 1141[illegible] Charest - Hautranck
Troy High 3179 Livernois N. of Big Beaver Rd.
Distance 14 miles Via I - 75
Time: 26 minutes between 2:57 & 3:23 P.M.
Wednesday 3/29/72

Utica High 47255 Shelby Rd. Utica
Kettering 6101 Van Dyke
Distance 16 miles Via Van Dyke
Time: 40 minutes 7:24 & 8:04 A.M.
Thursday 3/30/72

Northern 9736 Woodward
Birmingham Seaholm 2364 W. Lincoln Birmingham
Distance 15 miles Via Woodward
Time: 32 minutes 8:30 & 9:02

Reverse route to Northern 30 minutes 9:05 - 9:35
Thursday 3/30/72

Stealing Bus Routes

1. Western High School to Van Buren (Belleville)
Departure: 3:00 p.m. Arrival 3:55 p.m. 55 min
Miles: 34, Rate of speed: 45 MPH
(Use I 94 Expressway)
Weather Condition: Blowing Snow

2. Central High School to Southfield H.S. (10 Mile Lahser)
Departure: 7:30 a.m. Arrival: 8:05 a.m.
Miles: 12, Rate of speed: 55 MPH 35 min
(Use Lodge Expressway)
Weather Condition: Clear

3. Novi High School to Cooley High School
Departure: 8:25 a.m. Arrival 9:15 a.m. 50 min
Miles 24, Rate of speed: 45 MPH
(Use 8 Mile and Southfield Expressway)
Weather Condition: Light Snow - Clear

4. Northville High School to Mackensie
Departure: 8:30 a.m. Arrival: 9:25 a.m.
Miles: 27, Rate of speed: 45 MPH 55 min
(Same as Above)
Weather Condition: Light Snow - Clear

(Continued)

[illegible] Route:

5. Murray High School to Southgate High School
   Departure: 3:00 Arrival: 3:30
   Miles 17 Rate of speed 55 m. p. h. (I-75)
   Weather condition: Clear - dry

6. Grosse Ile to Southwestern
   Departure: 3:45 Arrival: 4:20
   Miles 21 Rate of speed 55 m. p. h. (I-75)
   Weather condition: Clear - dry

7. Avondale to Mumford
   Departure: 9:10 Arrival: 9:55
   Miles 29 Rate of speed 45 m. p. h.
   Weather condition: Clear - dry

8. Northwestern to Garden City (Ford Road)
   Departure: 3:00 Arrival: 3:35
   Miles 21 Rate of speed 45 m. p. h.
   Weather condition: Clear, dry

9. Westland to Chadsey
   Departure: 3:10 Arrival: 3:45 (Ford Road)
   Miles 15 Rate of speed 45 m. p. h.
   Weather condition: Clear, dry

10. Beaubien to Wall and Union Lake
    Departure: 8:00 a. m. Arrival: 8:35
    Miles 20 Rate of speed 45 m. p. h.
    Weather condition: Clear, dry.

MP:ems

PLAINTIFF'S EXHIBIT
SBA

UNDERWRITING MANUAL

UNDERWRITING AND VALUATION PROCEDURE
UNDER TITLE II
OF THE
NATIONAL HOUSING ACT

FEDERAL HOUSING ADMINISTRATION

Federal Housing Administration

WASHINGTON, D. C.

FHA Form No. 2019
Revised Feb. 1936

U. S. GOVERNMENT PRINTING OFFICE 1936

935. *Natural Physical Protection.* The geographical position of a location may afford reliable protection from adverse influences. If a location lies in the middle of an area well developed with a uniform type of residential properties, and if the location is away from main arteries which would logically be used for business purposes, probability of a change in type, use, or occupancy of properties at this location is remote. The degree of immunity offered to a location because of its geographical position within the city is to be considered. Natural or artificially established barriers will prove effective in protecting a neighborhood and the locations within it from adverse influences. Usually the protection from adverse influences afforded by these means includes prevention of the infiltration of business and industrial uses, lower class occupancy, and inharmonious racial groups. A location close to a public park or area of similar nature is usually well protected from infiltration of business and lower social occupancy coming from that direction. Hills and ravines and other peculiarities of topography often make encroachment of inharmonious uses so difficult that protection is afforded. A high speed traffic artery or a wide street parkway may prevent the expansion of inharmonious uses to a location on the opposite side of the street. However, if a high speed traffic artery passes directly through a desirable neighborhood area with similar development on each side of the artery, the noise and attendant danger constitute an adverse influence, rather than a protection. The same holds true for the presence of railroads, elevated or surface lines, and other means of transportation.

***

951. *Quality and Accessibility of Schools.* When considering the question of schools, distances to the schools should be related to the public or private means of transportation available from the location to the schools. The social class of the parents of children at the school will in many instances have a direct bearing. Thus, physical surroundings of a neighborhood area may be favorable and conducive to enjoyable, pleasant living in its location. However, if the children of people living in such an area are compelled to attend school where the majority or a considerable number of the pupils represent a far lower level of society or an incompatible racial element, the neighborhood under consideration will prove far less stable and desirable than if this condition did not exist. Frequently, upon payment of a fee, children in such an area could attend another school with pupils of their same social class. However, desirability of the neighborhood, when compared with competitive locations, might be adversely affected by the additional expense. In many instances where a school has earned a prestige through the quality of instruction and adequacy of facilities, it will be found that such attributes will be an element in maintaining the desirability of the entire area comprising the school district. In cases where schools are not immediately present, consideration is given to convenience and cost of required transportation.

980 (3). Recorded restrictive covenants should strengthen and supplement zoning ordinances and to be really effective should include the provisions listed below. The restrictions should be recorded with the plat, or imposed as a blanket encumbrance against all lots in the subdivision, and should run for a period of at least twenty-five to thirty years. Recommended restrictions should include provision for the following:

a. Allocation of definite areas for specific uses such as single or two-family houses, apartments, and business structures

b. The placement of buildings so they will have adequate light and air with assurance of a space of at least ten feet between buildings

c. Prohibition of the resubdivision of lots

d. Prohibition of the erection of more than one dwelling per lot

e. Control of the design of all buildings, by requiring their approval by a qualified committee, and by appropriate cost limitations or minimum square foot ground floor areas

f. Prohibition of nuisances or undesirable buildings such as stables, pig pens, temporary dwellings, and high fences

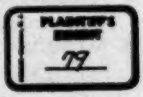
g. Prohibition of the occupancy of properties except by the race for which they are intended

h. Appropriate provisions for enforcement

CONSTRUCTION OF NEW SCHOOLS, REHABILITATIONS AND ADDITIONS SINCE 1960

Sources:
1. Inventory of Facility Needs, Detroit Public Schools, Revised April 1969 (Plaintiff's Exhibit 72B)
2. Racial-Ethnic Distribution of Students in Detroit Public Schools, (1960-1970). (Plaintiff's Exhibits 100A - 100I and 10).
3. Building Program Documents (Plaintiff's Exhibit 77).

*=Racial count data included in existing school with same name.



NEW SCHOOLS

School	Year Opened	Total Student Enrollment Year Opened	Students % Black	Total/ Black Faculty Year Opened	Faculty % Black	Present High School Constellation
Angell Pri.	1970	1282	99.9	45/24	53.3	Northwestern
Beaubien J.H.	1966	449	61.5	25/9	36.0	Mumford
Bell	1964	424	99.5	12/6	50.0	King
Bellevue(new)	1964	1192	96.1	45/27	60.0	King
Berry	1960	660	98.5	21/13	61.9	King
Biddle	1964	503	99.6	16/10	62.5	Northwestern
Birney	1964	652	99.7	21/9	42.9	Mackenzie
Brady Annex*	1960	1489	97.4	47/21	44.7	Central
Brooks J.H.	1962	500	0.0	26/0	0.0	Cody
Butzel J.H.	1962	925	88.1	39/19	48.7	King
Campbell Annex*	1964	1255	99.4	41/26	63.4	Northwestern
Chrysler	1960	35	22.9	2/0	0.0	King
Columbian Pri.	1964	329	97.9	9/5	55.6	Western
Courtis	1966	1291	85.7	42/9	21.4	Mackenzie
Drew J.H.	1970	1587	95.0	72/39	54.2	Mackenzie
Earhart J.H.	1965	1053	13.6	46/13	28.3	Western
Edmondson Annex	1969	253	81.8	12/9	75.0	Murray/Wright
Farwell J.H.	1964	555	21.8	24/3	12.5	Pershing
Field Annex	1966	461	90.5	34/24	70.6	King

NEW SCHOOLS continued . . .

School	Year Opened	Total Student Enrollment Year Opened	Students % Black	Total/ Black Faculty Year Opened	Faculty % Black	Present High School Constellation
Fleming	1962	659	0.0	19/0	0.0	Osborn
Fox	1964	165	0.0	5/0	0.0	Ford
Glazer	1967	850	100	29/19	65.5	Central
Harris	1960	837	98.9	32/16	50.0	Eastern
Ilene Fri.	1970	333	99.1	1?1	61.2	Cooley
Jamieson	1962	1134	99.8	32/17	53.1	Northwestern
Jeffries Annex	1962	830	98.9	23/11	47.8	Southwestern
Joffe	1965	361	84.8	11/6	54.6	Central
Jones (New)	1962	1688	95.6	47/25	53.2	Kettering
Joy	1964	1359	92.1	51/17	33.3	Finney
Keidan	1963	1946	98.7	57/30	52.6	Mackenzie
Kettering J.H.	1965	1105	73.1	56/21	37.5	
King S.H.	1968	1897	98.8	95/40	42.1	
Knudsen J.H.	1963	748	98.7	32/18	56.3	Northeastern
Krolik Pri.	1964	1897	98.8	10/4	40.0	Finney
Lesseneger J.H.	1963	1048	0.0	44/3	6.9	Cody
Mack Pri.	1970	173	98.8	3/3	57.5	Finney
McGraw	1963	1025	99.8	28/19	67.9	Northwestern
McKenny Annex	1960	1543	0.0	46/0	0.0	Ford

NEW SCHOOLS continued . . .

School	Year Opened	Total Student Enrollment Year Opened	Students % Black	Total/ Black Faculty Year Opened	Faculty % Black	Present High School Constellation
Mark Twain	1960	171	100	4/2	50.0	Southwestern
Marshausen Pri.	1970	302	92.4	11/6	54.5	Finney
Monica Pri.	1970	377	98.4	13/6	46.2	Cooley
Murphy J.H.	1963	1062	0.7	39/2	5.1	Redford
Murray S.H.	1965	1789	60.0	88/21	23.9	
Myrtle	1970	500	58.2	25/9	36.0	Murray/Wright
Norwell	1960	788	99.1	24/21	87.5	Northeastern
Owen	1960	806	43.9	28/9	32.1	Northwestern
Pelham J.H.	1963	901	62.8	36/22	61.1	Murray/Wright
Pingree Annex *	1962	969	99.0	30/15	50.0	Kettering
Reeves Pri.	1964	115	0.9	4/1	25.0	Ford
St. Clair Annex	1965	592	97.0	18/4	22.2	Finney
Sanders	1965	1048	98.6	33/17	51.5	Northern
Scripps	1964	530	97.5	47/14	29.8	Southeastern
Spain J.H.	1962	465	100	21/14	66.7	Northeastern
Stark	1969	822	98.4	29/16	55.2	Southeastern
Stevenson	1967	338	94.4	13/8	61.5	Mackenzie
Stewart	1970	766	98.8	20/10	50.0	Central
Taft J.H.	1962	982	0.0	44/1	2.3	Ford

NEW SCHOOLS continued . . .

School	Year Opened	Total Student Enrollment Year Opened	Students % Black	Total/ Black Faculty Year Opened	Faculty % Black	Present High School Constellation
Tendler	1964	359	63.5	11/0	0.0	Southeastern
Turner, E.M., Pri.	1969	362	97.5	13/10	76.9	Central
Webber J.H.	1963	456	99.4	19/9	47.4	Northwestern
Whittier Primary	1970	1107	78.3	50/15	30.0	Cooley
Winterhalter An.M.	1960	1478	83.6	42/7	16.7	Mackenzie
Woodward	1960	1003	97.0	31/22	71.0	Northwestern

ADDITIONS AND REHABILITATIONS*

School	Year Constr. Opened	Total Student Enrollment Yr. Constr. Opened	Students % Black	Total/ Black Faculty Yr. Constr. Opened	Faculty % Black	Present High School Constellation
Bagley	+	1480	97.6	50/27	54.0	Mumford
Bunche	+	840	99.9	50/35	70.0	King
Burroughs	1970	1596	89.2	72/32	44.4	Kettering
Central	+	2140	100.0	93/53	55.9	Central
Chadsey S.H.	1964	3217	49.11	131/20	15.3	Chadsey
Chandler	1962	1025	91.6	30/7	23.3	Kettering
Clinton	1970	1609	97.0	57/37	64.9	Cooley
Condon J.H.	1962	1043	93.0	46/26	56.5	Western
Cooper Pri.	1970	1678	72.1	61/25	65.8	Kettering
Crosman	1962	1551	98.4	49/28	57.1	Northern
Durfee	+	1496	100.0	69/52	75.4	Central
Finney S.H.#	1961	795	0.0	46/2	4.3	Finney
Ford S.H.#	1961	1449	.1	91/1	1.1	Ford
Hampton J.H.	1964	1272	16.9	52/7	13.5	Mumford
Goodale	1970	1186	.7	38/5	13.2	Denby
Howe	1962	1229	89.2	37/10	27.0	Southeastern
King	1970	1879	99.8	80/49	61.3	King
King Elem.	1970	986	91.8	36/14	38.9	Cooley
Lillibridge	1962	1463	55.6	45/7	15.6	Southeastern
Longfellow J.H.	1970	1027	99.6	48/30	62.5	Central
McMillan J.H.	1962	468	53.2	19/8	42.1	Southwestern

ADDITIONS AND REHABILITATIONS* continued . . .

School	Year Constr. Opened	Total Student Enrollment Yr.Constr. Opened	Students % Black	Total/ Black Faculty Yr.Constr. Opened	Faculty % Black	Present High School Constellation
Monteith	1962	854	71.4	28/5	17.9	King
Newberry	1963	883	80.3	29/16	55.2	Western
Noble J.H.	+	1903	96.5	80/47	58.8	MacKenzie
Northern	+	1767	98.9	73/51	69.9	Northern
Osborn S.H.	1960	1630	0.0	74/0	0.0	Osborn
Ruthruff	1970	695	99.1	26/21	80.8	MacKenzie
Ruddiman J.H.	1963	1228	2.6	54/5	9.3	Cody
Southwestern S.H.	1970	1767	74.3	77/21	27.3	Southwestern
Thirkell@	1961	1729	99.1	48/32	66.7	Northwestern
Vetal	1970	1173	.2	39/6	15.4	Redford
Williams@	1961	799	95.4	26/9	34.6	Northeastern
Wilson J.H.	1962	1034	1.5	41/2	4.9	Southwestern
Winship J.H.@	1961	1001	0.0	41/2	4.9	Cooley
Winterhalter J.H.	+	807	98.6	39/29	74.4	MacKenzie
Yost@	1961	384	0.0	15/0	0.0	Redford

+ = 1970-71 Racial Count data because date construction completed not known.

@ = 1962-63 Racial Count data because Racial Count not taken in 1961-62.

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1960-65

TOTAL ENROLLMENT AND PERCENT BLACK OF STUDENTS IN DETROIT REGULAR (ZONED) PUBLIC SCHOOLS

		1960	1962	1963	1964	1965
1.	Total Number of Regular Schools	251	255	256	268	275
2.	Number of 90%+ Black Schools	71	80	84	95	99
3.	Number of 90%+ White Schools	100	99	99	97	91
4.	Total 90%+ White* and 90%+ Black Schools	171	179	183	192	190
5.	% Line 4 is of Line 1	68%	70.2%	71.5%	71.6%	70%

Sources: 1960-1965 Racial Distribution Publications
Detroit Board of Education
(No racial count in 1961-62 school year)
Plaintiff's Exhibits 100A, 100B, 100C, 100D and 100E

*10% or less Black

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1966-70

TOTAL ENROLLMENT AND PERCENT BLACK OF STUDENTS IN DETROIT REGULAR (ZONED) PUBLIC SCHOOLS.

	1966	1967	1968	1969	1970
1. Total Number of Regular Schools	273	274	273	278	282
2. Number of 90%+ Black Schools	99	105	116	119	133
3. Number of 90%+ White Schools	82	71	67	65	69
4. Total 90%+ White* & 90% Black Schools	181	176	183	184	202
5. % Line 4 is of Line 1	66.3%	64.2%	67%	66.2%	71.6%

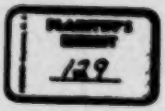
Sources: 1966-1970 Racial Distribution Publications
Detroit Board of Education
Plaintiff's Exhibits 100F, 100G, 100H and 10.

*10% or less Black

Black Students In Attendance-Area Schools Which Are 90% + Black

	1960-61	1970-71
1. Total Number of Black Students	126,278	177,079
2. Number of Black Students in Schools 90% + Black	83,123	132,079
3. % of Black Students in 90% + Black Schools	65.8%	74.9%

Sources: Plaintiffs' Exhibit 10 (October, 1970 Racial Count); Plaintiffs' Exhibit 100A (February, 1961 Racial Count).



1970-71

Space Availability in Detroit Attendance-Area Schools

		Total Undercapacity (Pupil Spaces)	Total Overcapacity (Pupil Spaces)	Net Undercapacity (Pupil Spaces)
1.	90% + Black Schools	26,901	3,940	22,961
2.	90% + Black Schools (Excluding High Schools)	25,476	1,768	23,708
3.	90% + White* Schools	5,042	2,788	2,254
4.	90% + White* Schools (Excluding High Schools)	5,042	1,278	3,764
5.	All Schools	42,246	11,071	31,175
6.	All Schools (Excluding High Schools)	40,306	4,331	35,975

Sources: Plaintiffs' Exhibit 130; Plaintiffs' Exhibit 92 (Selected School Data, Jan. 1971).

*10% or less Black

PLAINTIFF'S EXHIBIT 131

Subject: Characteristics of present racial distribution, and estimate of potential impact of various changes in policy.

From :

To :

Date : January 5, 1967

A few locations such as Southeastern and Southwestern show substantially lower white enrollments at the senior high level than in their own feeder schools indicating selective enrollment by white students in an alternate school: Finney or Southwestern.

Effect of Private and Parochial School Enrollment on Racial Composition

Private and parochial schools in Detroit have had their enrollments made up principally of white students. The percentage of private and parochial school enrollments in high school areas in Detroit ranges from seven percent in the Northwestern high school area to 45 percent in the Denby area. The distribution of parochial enrollments is illustrated on the accompanying map.

Since the attendance patterns of parochial schools correspond to parish lines and other factors rather than public school districts, the map is not a completely accurate indication of the place of residence of these students.

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

Boundary Adjustment

A third general means frequently suggested for integrating schools is to change boundaries in order to achieve more inclusive districts with present schools. On the assumption that segregation has been achieved and maintained by continuing manipulation of district boundaries, it is assumed that the reverse effects can equally be accomplished by boundary manipulation.

More sophisticated advocates of integration have generally recognized that much of the present de facto segregation is inherent in present residential patterns in Detroit. There are a few marginal communities where school district boundaries can in some measure affect the enrollment of a school. Possibilities of creating inclusive districts are somewhat better on the secondary school level than on the elementary.

Since much of the local public transportation system operates in long runs particularly on the east-west mile roads, it is possible to develop a plan for secondary schools to serve students from greatly elongated districts along these coach lines. The relative success of the Murphy, the Coffey and the Mettetal junior high schools in attracting students under the "Open Schools" plan is due to their convenient locations near the Fenkell and Seven Mile coaches.

There are, consequently, a few situations in Detroit where creation of elongated senior high school districts along major public transportation lines would serve effectively to achieve a better balanced student composition than at the present time. School districts where useful results might be realized are:

Region #1

Eliminate Western-Southwestern option - probably best done after completion of Southwestern addition rather than increase Southwestern enrollment now.

Region #2

Send McFarlane graduates to Cody. With coach lines on Plymouth, West Chicago, and Joy Road, there is no particular problem here in setting up elongated senior high districts for Cody and Mackenzie along the coach lines.

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

Regions 4 and 5

Revise Mumford and Cooley districts to elongate them along coach lines. For example, Custer could be added to the Cooley area in exchange for Newton and Winship going into the Mumford constellation. This shift would strengthen the return of Verner and Vandenberg to Mumford and result in the following ratio in the feeder schools:

	White	Negro
Mumford	3924	6580
Cooley	7367	6540

This shift would result in increasing the potential enrollment of Cooley to the point where additional capacity would have to be given high priority.

Region #8

Shift Joy Junior High into the Finney district. Since additional capacity must be provided in the near future for either Southeastern or Finney, this shift would have the effect of pushing Finney up in the priority list and shifting Southeastern to a modernization program only. Racially Joy has the highest percentage of Negro students of any portion of the Southeastern constellation. Without Joy the feeder schools in the remainder of the constellation have a racial composition of 5000 white to 7500 Negro students. The balance of the feeder schools in the Finney constellation would shift to 5400 white; 6800 Negro.

Region #9

Because of the shrinkage of enrollment in the Jefferson area, it has been intended to take Irving out of service in September. The most obvious geographical realignment would place most Irving students in Burton and re-enforce the white enclave. As an alternative pattern, three districts organized to extend in an east-west direction could be organized to share these white students with Cousens and Edmonson and to receive some Negro students from Cousens.

It must be recognized in these suggestions that they leave untouched Redford, Ford, Osborn and Denby which are over 90 percent white, and Northwestern, Central, Northern, Northeastern and Eastern which are over 90 percent Negro. All of these schools are too distant and isolated to be affected by boundary adjustments within the present framework of the Detroit school plant.

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

Controlled Voluntary Movement

Apart from plans for reorganizing attendance patterns for large numbers of students, it must be recognized that limited integration may be achieved by permitting voluntary movements of individual students. The "Open Schools" policy in Detroit has always secured the movement of a limited number of Negro students to otherwise predominantly white schools.

This movement has been effective at the secondary school level in giving the students in the receiving schools some first hand contact with Negroes. It has not resulted in an integrated school experience for a significant number of Negro students. Under the original rules, the "Open Schools" policy also accelerated movement of white students from schools with increasing enrollments of Negro students. As refined in more recent regulations, this escape valve has been closed except to families who choose to move.

Nathan Glazer and Robert Havighurst have advocated that transfers and out-of-district enrollments should be permitted on the basis of specialized programs. Glazer argues that not only the school enrollment, but the very character of the community around the school maybe formed around specialized programs: either academic excellence or specialties as in New York. In fact, Detroit has had such specialized schools for years in Cass, Wright and Chadsey. All three schools have maintained integrated enrollments over a long period of years. As a result of being joined to Philip Murray in 1965, Wilbur Wright seems to have suffered in its enrollments of white students in some programs this year. The cosmetology program has survived movement of both students and staff from Chadsey without significant losses.

Of course, the cosmetology program enjoys a monopoly role with waiting lists to get into it. This experience indicates, however, that excellent programs offered in single or limited locations may similarly attract students into inner city high schools. In fact, Detroit has or is developing the following specialized programs in the expectation of attracting

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

Expansion of Open Schools Program

At the present time the following rules govern establishment of the "Open Schools" list and administration of transfers:

1. Elementary and junior high schools are placed on the "Open Schools" list for the number of spaces they are under capacity. Applications are filed in order and the school is closed when the quota has been filled.

2. Senior high schools are placed on the "Open Schools" list to receive students up to 115 percent of rated capacity. This rule was established by Board action at a time when total enrollments in senior high schools exceeded capacity by that amount. At the present time total senior high enrollment is approximately 53,000. Senior high capacity is 52,000 and will be further increased by 1000 by construction now under way. Effective in February, ninth grade has been removed from all senior high buildings except Southwestern. Schools are kept off the open list during construction or pending complete organization.

3. Transfers from an open school to another open school are not permitted.

4. Effective in September, 1966 transfers were limited to those which would contribute to the integration of the receiving school.

The effect of the "Open Schools" list has been to permit some movement of Negro students into outlying areas. The modification of policy in September, 1966 was due to the fact that the greater effect of the policy to that date had been to draw white students away from inner city schools. The total movement under this policy has neither moved significant numbers of Negro students into outlying areas nor to balance the load between overcrowded and underutilized schools.

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

Five outlying high school districts have the most schools on the "Open Schools" list and the most underutilized capacity:

District	Percentage White	Underutilized Capacity
Cody	94.5	1200
Denby	97.5	1000
Ford	93.1	1100
Osborn	92.9	1150
Redford	98.4	700

When schools in these districts have appeared on the "Open Schools" list, secondary school spaces have been filled and waiting lists created. Very few of the elementary school spaces have been used except to effect a localized transfer which did not affect the racial composition of the schools. There are two factors which have discouraged "Open Schools" transfers into elementary schools:

Distances of 4-8 miles from overcrowded schools to "Open Schools"

Relative inaccessibility of elementary schools to bus lines. Generally the elementary schools are approximately a half mile from a coach line.

The combination of rules developed over a period of time now produces several paradoxical situations in application:

All but six open high schools are now under 115 percent of capacity. Two of these six will be removed by completion of new construction by September. Under the circumstances "Open Schools" transfers would be possible in September only from Mackenzie, Southeastern, Cooley and Cody.

There is no definition of what will contribute to the integration of a mixed school. Western has 38 percent Negro students, a lower percentage than any of its neighboring schools. In September, 1965 it received 32 "Open Schools" transfers from its neighboring schools: 18 white, 14 Negro. In operation Western appears to be still the school to which white students escape from predominantly Negro surrounding schools.

The effect of placing a predominantly Negro school like Northern

Subject : Characteristics of present racial distribution, and estimate of potential impact of various changes in policy

From :

To :

Date : January 5, 1967

on the "Open Schools" list would be to freeze Northern students in their own district. The circumstances which would induce a white student to seek enrollment in order to contribute to the integration of the school are not evident. In fact there appears to be a small amount of movement of Negro students from predominantly Negro schools to other predominantly Negro schools, for example: from Southeastern to Northeastern, from Knudsen to Miller.

Further movement towards integration within the general framework of the "Open Schools" plan would apparently require provision of free transportation on the elementary level between paired schools. Busloads of students would be recruited from an overcrowded school to an underutilized school with some assurance that pupils thus started could continue with free transportation through elementary school, into the area secondary schools, probably on their own responsibility for transportation. Possible school linkages to move students into outlying high school districts would be:

Cody area

Barton to Ann Arbor Trail
Parker to Marsh
Ruthruff to Mann or Herman

Redford area

Fitzgerald to T. Houghton
Guest to Hubert

Ford area

Bagley to McKenny or Burgess
Pasteur to McKenny or Burgess

Osborn area

Rose to Law
Thomas to Pierce
Ives to Trix
Jones to Law

Denby area

Ives to Robinson
Williams to McGregor
Scripps or Howe to Wayne

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90+% Black or 90+% White Schools 1960-61 to 1970-71

(Sources: Plaintiffs' Exhibits 128A, 128B and 79)

	1. 90+% Black Schools	2. 90+% White Schools	3. Total 90+% Black or 90+% White	4. All Attendance Area Schools	5. % of All Attendance Area Schools 90+% Black or 90+% White
Number of Attendance Area Schools, 1960-61	71	100	171	251	68.0
Attendance Area Schools Closed Between 1960-61 and 1970-71	8*	0	8	---	----
Attendance Area Schools Constructed and First Opened Between 1960-61 and 1970-71	39	8	47#	---	-----
Number of Attendance Area Schools, 1970-71	133	69	202	282	71.6

* No school which was 90+% Black in 1960-61 and which is still in use in 1970-71 is presently less than 90%+Black.

No school opened since 1960-61 with a 90+% Black or a 90+% white enrollment is presently less than 90% Black or 90% white.

PLAINTIFF'S 160

School Construction To Be Opened By September, 1971

Source: Plaintiffs' Exhibits 77 and 130

School	Percentage Black, Existing Structure	Allocation
1. Northwestern Senior High*	99.9	$9,222,000
2. Brooks Junior High***	1.5	2,500,000
3. Cary Elementary***	60.0	300,000
4. Farwell Junior High***(*)	67.8	3,500,000
5. Barton Elementary***	96.3	1,000,000
6. Maybury Elementary Addition***	2.9	500,000
Total		$17,022,000

*Funds approved under 2% bonding authority authorized by the legislature.

**Funds approved out of millage authorized in 1966.

***Funds approved on February 25, 1969.

TABLE

Source of data: Selected School Data
(Detroit Public Schools)
Computer Printout 3/5/71
Plaintiff's Exhibit 91

		All Attendance Area Schools - Ranked Ordered By Enrollment	
		0% to 10% Black Enrollment	20% to 30% Black Enrollment
(1)	Building Capacity	12559.9	14734.4
(2)	Total Enrollment	12399.5	13242.7
(3)	Unused Capacity	-99.6	492.7
(4)	Black Enrollment	90.9	4332.4
(5)	White Enrollment	12579.1	80.3
(6)	Count of Teachers and ESRPs	93.2	96.7
(7)	Black Teachers and ESRPs	2.1	26.8
(8)	White Teachers and ESRPs	85.1	69.9
(9)	Count of ESRPs	1.3	2.3
(10)	Count of Teachers and ESRPs under salary class 6	49.8	21.6
(11)	Count of Teachers and ESRPs over salary class 10	25.3	43.3

5/6/71
Paul V. Smith

PLAINTIFF'S EXHIBIT 162A

TABLE

Source of Data: Selected School Data
(Detroit Public Schools)
Computer Printout 3/5/71
Plaintiff's Exhibit 91

ALL ATTENDANCE AREA SCHOOLS - MEANS GROUPED BY ENROLLMENT

Number per 1000 total students enrolled:	0% to 10% BLACK ENROLLMENT	90% to 100% BLACK ENROLLMENT
(1) Teachers and ESRPs	33.1	35.3
(2) Black Teachers and ESRPs	6.2	21.2
(3) White Teachers and ESRPs	26.9	14.1
(4) Teachers and ESRPs under salary class 6	8.4	16.1
(5) Teachers and ESRPs over salary class 10	17.7	10.6
(6) ESRPs	1.4	2.3
(7) Acres in school site	6.2	6.1

5/6/71
Paul V. Smith

PLAINTIFFS EXHIBIT 1634

TABLE .

Source of Data: Selected School Data (Detroit Public Schools) Computer Printout 3/5/71 Plaintiff's Exhibit 91

ALL ATTENDANCE AREA SCHOOLS - MEANS ASCERTAINED BY ENROLLMENT

		0% to 49% BLACK ENROLLMENT	50% to 100% BLACK ENROLLMENT
Costs per Pupil:			
(1)	Teachers	413.15	369.69
(2)	ESRPs	16.53	12.39
(3)	Teachers and ESRPs	429.71	382.08
Average Annual Rate:			
(4)	Teachers and ESRPs average annual salary	12,345.61	11,952.54

5/6/71
Paul V. Smith

TABLE

Source of Data: Selected School Data
(Detroit Public Schools)
Computer Printout 3/5/71
Plaintiffs' Exhibit 91
as amended by data in
Plaintiffs' Exhibits 186, 187

		All Intermediate and High Schools Pupils Estimated by Grade Level Enrollment	
Costs per Pupil:		0% to 10% Black Enrollment	90% to 100% Public Enrollment
(1)	Teachers	$315.65	379.91
(2)	NTDPs	11.76	17.11
(3)	Teachers and NTDPs	$327.91	397.92
Average Annual Data:			
(4)	Teachers and NTDPs average annual salary	12,925.24	11,661.92

7/21/71
Paul V. Smith

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DETROIT COMMISSION ON COMMUNITY RELATIONS — August 22, 1963

MEMORANDUM For Commission Information — No. 23

From: Richard V. Marks

SUBJECT: Report of Ad Hoc Committee on Schools

Enclosed is a copy of the report of the Commission on Community Relations Committee on Schools.

At the meeting on August 19, the Commission received an invitation from Dr. Remus Robinson to participate in the Board of Education Committee of the Whole meeting scheduled for Tuesday, August 20, 1963, to discuss personnel policies and practices of the Board in relation to race. Representatives of the committee had wished to discuss this report first with Dr. Brownell and his personnel division before presenting it to the Board or the Commission. Following discussion, the Commission authorized the committee to make copies of the report immediately available to Dr. Brownell and to accept the invitation to present the report at the special Board meeting.

BACKGROUND TO THE REPORT

For sometime the Commission has specifically identified the issues of housing, employment and schools on its monthly agenda as being three crucial areas for the creation of a positive climate of human relations in Detroit. Commission actions which would help to eliminate attitudes of prejudice and/or practices of discrimination which affect these basic areas of community life are vital if progress is to be made.

April the Commission recognized the existance of a serious community controversy involving racial discord and tension in relation to the public school millage proposals. Under its Ordinance, the Commission has responsibility to investigate "practices of discrimination or of efforts or activities of individuals or groups to incite discord, tension, hate and suspicion or to place at a disadvantage persons or groups because of race, color, or ancestry." Accordingly, the Commission created the Committee on Schools, composed of six members with Ernest Shell as chairman. They were asked to determine what progress has been made by the Board of Education to equalize employment and educational opportunity irrespective of considerations of race. This study represents the committee's findings and recommendations.

THE REPORT

The committee's study uses the racial counts provided by the Board of Education in 1961 and 1963 as its basic data. The committee report compares 1963 data of personnel and assignment with the 1961 findings of the Citizens Advisory Committee on Equal Educational Opportunities report.

Findings

1. The committee reviewed the schools without Negro teachers. In 1963 Negro teachers were not assigned on the staff of 73 of the city's 271 schools. In other words, not one of the 2,600 Negro teachers had been assigned permanently to the staff of 27% of the schools operating under Detroit Board of Education policy. As a consequence of this pattern in elementary schools alone, 50% of the total of 88,000 white elementary school pupils had no contact with a teacher of the Negro race.

2. The committee then analyzed the pattern of schools with Negro teachers. It found that as the number of Negro students in any particular school increased the number of Negro teachers in that school also increased. Expressed in mathematical terms the correlation was .86 in 1961 and .88 in 1963. This correlation was mathematically significant. The pattern could not have occurred by chance.

3. The committee then analyzed the number and kind of annual personnel changes. It wanted to appraise the regular opportunities of the administrative staff to place personnel on the basis of qualification and preparation. They found that in 1960-61, 51% of the school personnel were involved in personnel transactions, and in the following year, 54% of 10,429 contract personnel were involved. Many of these changes represented significant opportunities to demonstrate a pattern of teacher assignment without regard to race. Despite the volume of personnel accessions (including new teachers, new ESRP, returns from lay off, transfers, school changes) and separations (including death, retirement, leaves of absence), the number of schools with Negro teachers and no Negro pupils increased from 5 to 10 from 1961 to 1963.

Conclusions

Our current study indicates that the situation as reported in 1962 by the Committee on Personnel of the Citizens Advisory Committee on Equal Educational Opportunity remains virtually unchanged. "That the Board of Education has followed a practice of (1) assigning Negro teachers predominantly within certain districts where there are large numbers of Negro pupils, and (2) assigning Negro teachers chiefly to racially mixed schools, in many cases on a proportional basis. If there are no Negro children in a school, no Negro teachers are assigned there; this rule has few exceptions to date."

Recommendations

1. The committee recommends first that while nondiscriminatory policy of the Board has been in existence since 1955, the Board has the obligation to clarify for the public as well as its administrative staff that all phases of personnel, either "recruitment, assignment, transfer, or promotion of any and all employees of the Board will be accomplished without racial discrimination."

   Secondly, that the Board "accept its obligation not only to have nondiscriminatory policies and procedures but affirm that it will do everything necessary and possible to achieve equal employment opportunity for all personnel."

(The fact that the Superintendent continued until June, 1963 the practice of offering a choice of three schools for the assignment of new teachers is indicative of the latitude permitted by the previous policy.)

2. The committee recommends that "assignment . . . without regard to race must take priority over any other consideration" and that the Superintendent and the personnel division clarify the policy and standard by which all personnel transactions will be made and judged.

(The Superintendent has acknowledged that in inner city schools the previous "three year new teacher assignment rule" has frequently been waived in the interest of "stability.")

The committee recommends that "assignments be made on the basis of need at the convenience and judgment of the Board, and that factors unrelated to preparation such as residency or personal preference which would deny opportunity based on race cannot be given priority in decisions relating to assignment.

(The issue of forced movement of personnel on the basis of three-years service raises questions of equity in administration policy and practice. In view of the magnitude of personnel transactions involving separations, such as death, resignation, leave of absence, and school changes.)

3. The committee believes that the Board and Administration have a moral, legal, and an educational responsibility to the public to demonstrate policy with observable practice in all school settings and recommends that the Superintendent be asked to submit a specific plan to accomplish this objective; and that the Board appoint a five-member citizens committee to review on a regular basis all personnel transactions of the school system until the problem of racially defined areas of assignment is resolved.

THE SIGNIFICANCE OF THIS ISSUE

1. If the work of the Commission on Community Relations is to proceed, then an honest effort must be made to affect attitudes of Detroiters towards each other. The fact that 44,000 elementary school children can have a public school learning experience that offers no opportunity to see, to meet, to work with, or be taught by a teacher who happens to be of another race, makes a travesty out of the learning process. Learning about race and/or differences goes on during everyone's lifetime. The only question is whether the Negro or white youngster will be in those situations which permit the honest development of attitudes based on a reality contact with a Negro or a white teacher, as the case may be. The presence of an able and loving teacher would sustain the development of democratic attitudes as no other action could.

The cruel, undemocratic, stereotype of the Negro that is sustained by the attitudes being formed in far too many households and the traditions of the community would have to come to grips with reality in a school system where a Negro could teach anywhere.

2. A school system is a publicly operated agency sustained by taxes of all people. Justice within any public system is not limited to population percentages, it is measured against standards that treat all men alike, irrespective of race. If we permit attitudes of prejudice of any segment of the community or discriminatory patterns of racial exclusion to dominate the decisions of a school system, we undermine democratic values and practices of a responsible community. Tensions are thus created which render it divided, hostile, and dangerous to the peace and safety of any citizen of the community.

For the teacher assignment pattern of Detroit public schools to reflect racially segregated housing patterns is to suggest that the individuals and groups that sustain the one (housing segregation) equally require the other (teacher placement based on race).

It is not a question of what people want and who has the most votes to sustain it, but rather what do morality, law and justice require of a public institution.

RVN:ybe

Enclosure

August 16, 1963

REPORT OF COMMISSION ON COMMUNITY RELATIONS: COMMITTEE ON SCHOOLS

Ernest Shell, Chairman
The Reverend Nicholas Hood
Mrs. John E. Polk
Reverend Fr. Thomas Ruffin
Henry Szymanski
Stanley Winkelman

BACKGROUND

At the May 31, 1963 meeting of the School Committee of the Commission on Community Relations, it was decided that the Committee should contact Dr. Brownell, Superintendent of Detroit Public Schools, to request data and information pertaining to teacher placement and apprenticeship program enrollment for the Detroit School System. Through an analysis of this data, the Committee could determine what progress had been made to equalize opportunity irrespective of considerations of race for students and teachers.

The Committee further discussed the importance of a thorough consideration of the procedural steps taken to implement Board of Education policy on equal opportunity and recommendations of the CACEEO; and what further plans the Board or Dr. Brownell were considering to achieve and fully implement the standard of a non-racial opportunity pattern.

Mr. Shell, the Committee chairman, and Mr. Marks, Secretary-Director, met with Dr. Brownell on June 10, 1963, to discuss the availability of the data as requested. Although the data had not been formally presented to the Board, Dr. Brownell agreed to cooperate with the Commission and the information was forwarded to staff.

The following report is based on Board of Education data relating to the racial distribution of teachers and pupils in the Detroit Public Schools.

INTRODUCTION

The report includes a description and summary of teacher placement in the school system which will help appraise the nature and extent of equal opportunities for teacher placement.

The 1961 figures which formed the basis for recommendations by the Citizens Advisory Committee for Equal Educational Opportunities were used in the analysis to determine the amount and the direction of change which occurred during the past two years.

Data dealing with races "other" than Negro and White have been excluded from this study. Data from special programs have been excluded from the detailed analysis in this study.

In our analysis, we assume that a total disregard of color would produce a distribution of White and Negro teachers approaching randomness. If color is a factor, a pattern showing significant differences would become evident.

In most cases, the school a child attends is determined by where he lives. Therefore, to a large extent, the placement of Negro school children does not represent a deliberate policy of the Board of Education, but is a reflection of segregated housing patterns in Detroit. Assignment of teachers, however, is the responsibility

of the school system. Therefore, the placement of Negro personnel becomes a means of checking whether the procedures are equitable and consistent with stated Board of Education policy and the recommendations of the CACEEO.

A. OVERALL DATA. School enrollment of "White", "Negro", and "Others" for 1961 totaled 287,452 pupils, for 1963 enrollment totaled 296,689, an increase of 9,237 pupils. Contract personnel, i.e. administrators, teachers, and counselors, for 1961 totaled 10,544 and for 1963 totaled 10,875, an increase of 331 contract personnel. There was, therefore, a ratio of 1 contract person to 27 pupils in both 1961 and 1963.

In 1961 there were 131,115 Negro pupils (46%) and 2,275 Negro contract personnel (22%) in the Detroit school system. By 1963 these figures had risen to 145,185 Negro pupils (49%) and 2,648 Negro contract personnel (24%) an increase of 14,070 Negro pupils and 373 Negro contract personnel.

In 1961 there were 154,624 white pupils and 8,238 white contract personnel. By 1963 both the number of white pupils and white staffs had fallen to 149,497 white pupils, a decrease of 5,127 and 8,200 white contract personnel, a decrease of 38.

TABLE I

TOTAL COUNT OF PERSONNEL AND PUPILS IN DETROIT SCHOOL SYSTEM

	TEACHERS		PUPILS	
	1961	1963	1961	1963
White	8,238	8,200	154,624	149,497
Negro	2,275	2,648	131,115	145,185
Other	31	27	1,713	2,007
TOTALS	10,544	10,875	287,452	296,689

B. PROGRESS TOWARD DESEGREGATION. In a paper "Unequal School Progress in Detroit" in the June 1963 edition of Integrated Education, the Honorable Mel J. Ravitz, Common Council, City of Detroit, deals with the problem of personnel:

> "A personnel census, too, was done in 1961 and again in 1963. These data reveal some minor progress toward a desegregated assignment pattern. For example, the number of white teachers in the system dropped very slightly in the past two years, while the number of Negro teachers rose to almost four hundred. In every district of the city but one, the number of Negro teachers increased, and in the Southeast district the number of both white and Negro teachers was reduced. In the three virtually all-white districts--Northwest, Northeast and West--the number of Negro teachers rose from 3 to 11, from 10 to 24, and from 6 to 79, respectively. The West district increase represents a boundary shift of several schools with sizable Negro pupil and staff populations."

TABLE II

DISTRIBUTION OF NEGRO TEACHERS AND PUPILS BY DISTRICT

DISTRICT	NEGRO TEACHERS 1961 NO.	1961 % OF TOTAL	NEGRO TEACHERS 1963 NO.	1963 % OF TOTAL	NEGRO PUPILS 1961 NO.	1961 % OF TOTAL	NEGRO PUPILS 1963 NO.	1963 % OF TOTAL
CENTER	791	46	852	51	47,032	95	45,258	99
EAST	270	25	363	31	21,475	69	26,103	74
SOUTHEAST	480	45	438	46	20,717	73	18,442	73
SOUTH	348	36	413	38	14,193	60	17,332	62
SOUTHWEST	192	19	251	23	11,831	42	12,840	43
NORTH	175	13	217	16	13,157	37	15,612	43
WEST	6	0.6	79	6.4	2,186	8	8,248	25
NORTHEAST	10	1.0	24	2.5	326	1.2	948	3.6
NORTHWEST	3	0.2	11	0.8	198	0.5	402	1.1
TOTAL	2275	21.6	2648	24	131,115	45.6	145,185	49

C. AN EVALUATION OF PLACEMENT PATTERN. IN 1961, OUT OF A TOTAL OF 266 SCHOOLS, 91 WERE WITHOUT NEGRO TEACHERS. IN 1963, OUT OF A TOTAL OF 271 SCHOOLS, 73 WERE WITHOUT NEGRO TEACHERS. ONE OR MORE NEGRO TEACHERS WERE ASSIGNED TO 175 SCHOOLS IN 1961 AND TO 198 SCHOOLS IN 1963. IN THIS PERIOD, 5 NEW SCHOOLS WERE OPENED, 23 SCHOOLS RECEIVED THEIR FIRST NEGRO FACULTY MEMBER, AND THE TOTAL NUMBER OF SCHOOLS WITHOUT NEGRO TEACHERS DECREASED BY 18. IN 1963, THERE REMAIN 73 SCHOOLS, OR 27% OF ALL SCHOOLS, WITHOUT NEGRO TEACHERS.

TABLE III

COMPARISON OF SCHOOLS WITH OR WITHOUT NEGRO TEACHERS AND NEGRO PUPILS IN 1961 & 1963*

SCHOOLS	1961 WITHOUT NEGRO TEACHERS	1961 WITH NEGRO TEACHERS	1961 TOTAL	1963 WITHOUT NEGRO TEACHERS	1963 WITH NEGRO TEACHERS	1963 TOTAL
WITHOUT NEGRO PUPILS	71	5	76	43	10	53
WITH NEGRO PUPILS	20	170	190	30	188	218
TOTALS	91	175	266	73	198	271

*SPECIAL PROGRAMS NOT INCLUDED IN THIS TABLE.

Of the 73 schools with no Negro teachers, 30 contained some Negro pupils and 43 were without Negro pupils. Of the 198 schools, in 1963, with Negro faculty, 188 of those schools contained Negro pupils, and in only 10 schools were Negro faculty assigned where there were no Negroes in the student body. These 10 schools represent an increase of 5 over the previous 1961 pattern.

Of the 28 schools removed from all-white status (from 71 in 1961 to 43 in 1963) 5 were desegregated through teacher placement, 8 through Negro pupil enrollment, and 15 by both Negro teachers and pupils. The data indicates that the movement of Negro pupils into previously all-white schools generally precedes or accompanies the placement of Negro teachers in such schools.

To summarize then, we view it as extremely significant that there remain in 1963, 73 schools without Negro teachers and that the number of Negro teachers assigned into schools representing all-white settings represented only 10 schools--an increase of 5 in the number of exceptions to a racially defined housing pattern.

TABLE IV

SUMMARY COMPARISON BY DISTRICTS OF SCHOOLS WITH NEGRO TEACHERS IN 1961 AND 1963**

	1961		1963	
DISTRICTS	No. of Schools	With Negro Teachers	No. of Schools	With Negro Teachers
CENTER	36	36	30*	30
SOUTH	23	23	28*	28
SOUTHWEST	30	30	30	30
SOUTHEAST	31	29	28	27
EAST	27	25	29	27
NORTH	30	20	31	26
WEST	27	3	29*	14
NORTHEAST	27	6	30	9
NORTHWEST	35	3	36	7
TOTAL	266	175[A]	271	198[B]

*Six schools were redistricted from Center to South and West districts.

[A]170 of these also had Negro pupils

[B]188 of these also had Negro pupils

**Special programs not included in this table

Table IV indicates the teacher placement pattern in 1961 and 1963 within each of the 9 school districts. In this 1961 to 1963 period, the number of Negro contract personnel increased by 373. The number of schools with Negro teachers increased by 23.

The greatest increment, 11 schools, occurred in the West district. The faculties of nine schools within this district were desegregated while 2 schools with mixed

FACULTIES WERE REDISTRICTED TO WEST. THERE REMAIN 25 SCHOOLS IN THE WEST DISTRICT WITHOUT NEGRO TEACHERS.

DESPITE AN INCREASE OF 4 IN THE NUMBER OF SCHOOLS WITH NEGRO TEACHING PERSONNEL IN THE NORTHWEST DISTRICT, THERE ARE NOW 31 SCHOOLS WITHOUT NEGRO TEACHERS. THE INCREASE WITHIN THE NORTHEAST DISTRICT IN THE NUMBER OF SCHOOLS WITH NEGRO TEACHING PERSONNEL TOTALED 3. THIS PARALLELS THE NUMBER OF SCHOOLS ADDED TO THIS DISTRICT AS THERE ARE STILL 21 SCHOOLS WITHOUT NEGRO TEACHERS IN THE NORTHEAST DISTRICT. IN 1961 THERE WERE 10 SCHOOLS IN THE NORTH DISTRICT WITHOUT NEGRO TEACHERS; THIS WAS REDUCED TO 5 IN 1963. IN THE EAST DISTRICT THERE WERE 2 SCHOOLS WITHOUT NEGRO FACULTY IN BOTH 1961 AND 1963. THERE WAS ONE SCHOOL WITHOUT NEGRO TEACHERS IN THE SOUTHEAST DISTRICT, WHILE THE REMAINING THREE DISTRICTS MAINTAINED A PATTERN OF INTEGRATED FACULTIES IN 100% OF THEIR SCHOOLS.

OF THE 23 SCHOOLS RECEIVING NEGRO FACULTY FOR THE FIRST TIME, 18 ALSO GAINED NEGRO PUPILS DURING THIS PERIOD. THE GREAT MAJORITY OF NEGRO TEACHERS ARE ASSIGNED TO THOSE SCHOOLS WHICH ALREADY HAVE RACIALLY MIXED FACULTIES.

TABLE V

DISTRIBUTION OF NEGRO TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS FOR 1961 & 1963*

SCHOOLS	1961		1963	
	No. of Schools	With Negro Teachers	No. of Schools	With Negro Teachers
Elementary	219	135	216	148
Secondary	68	40	65	53

*SPECIAL PROGRAMS NOT INCLUDED IN THIS TABLE
DISCREPANCIES ARISE FROM COUNTS MADE OF SEVERAL ELEMENTARY AND JUNIOR HIGH SCHOOLS ON BOTH SEPARATE AND COMBINED BASIS.

OF THE 219 ELEMENTARY SCHOOLS IN THE DETROIT SYSTEM IN 1961, 84 SCHOOLS OR 39% WERE WITHOUT NEGRO TEACHERS. THE NUMBER OF ELEMENTARY SCHOOLS IN 1963 TOTALED 216 AND 68 OF THESE SCHOOLS OR 31% WERE WITHOUT NEGRO TEACHERS. THE PATTERN OF NEGRO TEACHER PLACEMENT IN SCHOOLS AT THE ELEMENTARY LEVEL SHOWS LITTLE CHANGE OVER THIS TWO YEAR PERIOD.

AT THE SECONDARY SCHOOL LEVEL, OUT OF 68 SCHOOLS IN 1961, 28 SCHOOLS OR 41% WERE WITHOUT NEGRO FACULTY MEMBERS. IN 1963 THERE WERE 65 SECONDARY SCHOOLS AND 12 OF THESE, OR 18% HAD NO NEGRO TEACHERS.

IN THE SECONDARY SCHOOLS, THERE HAS BEEN A SUBSTANTIAL DROP IN THE NUMBER OF SCHOOLS WITHOUT NEGRO TEACHERS. IT SHOULD BE NOTED THAT THE NUMBER OF NEGRO TEACHERS ASSIGNED TO THE LARGE FACULTIES OF THE JUNIOR HIGH AND HIGH SCHOOLS IN OUTLYING DISTRICTS REMAINS RELATIVELY LOW. OF 437 SECONDARY SCHOOL TEACHERS IN THE NORTHEAST DISTRICT, 17 ARE NEGRO. OF 581 SECONDARY LEVEL TEACHERS IN THE NORTHWEST DISTRICT, 8 ARE NEGRO, AND OF 523 TEACHERS IN SECONDARY SCHOOLS OF THE WEST DISTRICT 31 ARE NEGRO.

*Interracial Experience in the School Setting. All Negro children come into contact with persons of different races in the educational setting. The opportunity for white children to experience some mixed racial situation varies according to grade level.

TABLE VI

NUMBER OF WHITE PUPILS IN THE EDUCATIONAL SETTING WITHOUT CONTACT WITH NEGRO TEACHERS*

SCHOOLS	1961			1963		
	WHITE PUPIL ENROLLMENT	NO CONTACT WITH NEGRO TEACHERS & PUPILS	NO CONTACT WITH NEGRO TEACHERS/ CONTACT WITH NEGRO PUPILS	WHITE PUPIL ENROLLMENT	NO CONTACT WITH NEGRO TEACHERS & PUPILS	NO CONTACT WITH NEGRO TEACHERS/ CONTACT WITH NEGRO PUPILS
Elementary	99,595	46,000	13,137	88,178	28,352	15,972
Jr. High	18,436	11,042	1,191	23,680	6,227	1,405
Sr. High	34,432	10,440	1,715	36,901	0	5,375
TOTAL	152,463	67,482	15,043	148,759	34,579	22,752

*Special programs not included in this table.

Of the 99,595 white students enrolled in elementary schools in 1961, some 46,000 or 46% had no interracial contact with pupils or teachers. An additional 13,137 white students attended schools with racially mixed student bodies but with no Negro teachers. The total number of white students at the elementary level without Negro teacher contacts was 59,137 or 59%.

Enrollment of white students in elementary schools in 1963 was 88,178. Of this number, 28,352 or 32% had no contact with Negro teachers and Negro pupils. Another group of 15,972 white students had some contact with Negro students but none with Negro teachers. In 1963, therefore, the total number of white students at the elementary level with no opportunity for contact with Negro teaching personnel was 44,324, or 50% of all such students.

Enrollment of white students in junior high schools totaled 18,436 in 1961.

Of this total 11,042 had no interracial experience in the school setting and an additional 1,191 students had minimal contact with Negro students and none with Negro teachers. A total of 12,233 white junior high pupils or 66% had no contact with Negro teachers. In 1963, enrollment of white students in junior high schools was 23,680. Of this total 6,227 students had no contact with Negro teachers or pupils; 1,405 attended schools with some students and no Negro teachers. The total number of junior high students with no opportunity for contact with Negro teachers was 7,632 or 31% of all such students.

Senior high white student enrollment for 1961 was 34,432. Of these students, 10,440 had no interracial contacts in the educational setting and an additional 1,715 had

some contact with students and none with Negro teachers. Thus, we have in 1961 a total of 12,155 high school students with no contact with Negro teaching personnel. There was a total enrollment of 36,901 white high school students in 1963. Of these, 5,375 or 14% had no contact with Negro teachers but limited contact with Negro students.

Opportunities for white public school students to come into contact with Negro teachers in the junior high and high school grades have increased since 1961.

As a result of the insignificant change in the overall teacher placement pattern, however, there remains in 1963, a disproportionately high number of white elementary school students who have no opportunity for contact with Negro teachers.

Opportunity is most limited at that level at which it is most difficult to justify.

Significance of Changes. Investigating the Negro pupil/teacher ratio in terms of teacher assignment, it was found that the proportion of Negro teachers in a school closely parallels the proportion of Negro pupils in the same school. In 1961, based on 270 Detroit schools, the correlation of Negro pupils and teachers in a school was +0.86. In 1963, based on 281 Detroit schools the correlation was +0.88. Thus, the correlation has been maintained for two years. The relationship between the presence of Negro children in a school and whether any school has one or more Negro teachers as computed in a chi-square test of significance, was significant beyond the .001 level of probability in both 1961 and 1963. While there has been a reduction in the statistical value, the relationship continues to fall far outside of that range which could be due to chance. (See Table VII)

1961 chi-square - 160.+
1963 chi-square - 98.5

Another indication that changes within the school system in the past years do not reflect teacher assignment without regard to race is to be found in the ratio of Negro pupils to Negro teachers. This ratio has remained nearly constant from 1961 to 1963, and from district to district. The lone exception to this is in the West District where a disproportionately high ratio fell somewhat after schools with already integrated faculties were added to the district.

D. Opportunities for Change in the Racial Pattern. A characteristic of the Detroit School System is the constant movement of personnel within it.

In 1961 there were a total of 10,208 personnel employed by the Board. In 1963 the number of personnel increased to 10,429.

As indicated by Table VIII, there were a total of 5,190 personnel changes in the '60-'61 school year. Some 51% of all school personnel were involved in changes, or changes occurred on the average of one per every 1.96 school personnel. In the '61-'62 school year, there were a total of 5,695 personnel changes, indicating that 54% of all school personnel were involved in changes, or an average of 1 change for every 1.83 personnel. These changes occurred through resignation, school expansion, death and transfer, and do not include reclassifications, adjustments, promotions, and ESRP status changes.

Over this two year period there were 10,885 personnel changes throughout the system. These 10,885 changes represented significant opportunities for the Board of Education to demonstrate a pattern of teacher assignment without regard to race.

Va 59

NUMBER OF NEGRO PUPILS	NUMBER OF NEGRO TEACHERS 1963																							TOTAL
	0	1-2-3	4 5 6	7 8 9	10 11 12	13 14 15	16 17 18	19 20 21	22 23 24	25 26 27	28 29 30	31 32 33	34 35 36	37 38 39	40 41 42	43 44 45	46 47 48	49 50 51	52 53 54	55 56 57	58 59 60		
0	▪▪▪▪▪▪▪▪▪▪▪▪	▪▪▪▪▪																						61
1-165	▪▪▪▪▪▪▪▪▪▪	▪▪▪▪▪▪▪▪▪▪	▪▪▪	▪																				68
166-330	▪▪▪	▪▪▪▪▪	▪▪▪	▪▪	▪▪	▪																		21
331-495		▪▪	▪	▪	▪▪▪	▪▪▪		▪																16
496-560		▪▪	▪▪	▪▪▪			▪						▪											9
561-725		▪	▪▪▪	▪	▪▪▪	▪▪▪	▪▪	▪																26
726-890		▪		▪	▪▪▪	▪▪▪	▪	▪▪▪	▪▪															22
891-1055		▪	▪▪▪	▪▪	▪	▪	▪		▪▪	▪▪▪	▪													15
1056-1220			▪	▪	▪			▪▪▪					▪											7
1221-1385				▪		▪	▪					▪	▪	▪										6
1386-1550				▪		▪		▪▪	▪		▪	▪	▪											9
1551-1715					▪	▪	▪▪			▪▪	▪						▪							8
1716-1880												▪												1
1881-2045								▪				▪												2
2046-2210	r = .88										▪						▪							2
2211-2375										▪			▪		▪▪									4
2376-2540																								1
2541-2705															▪									2
2706-2870																								0
2871-3035																					▪			1
TOTAL	91	52	26	19	23	20	11	15	5	6	5	4	5	1	3	0	3	1	0	0	1			281

Va 60

TABLE VIII

SUMMARY REPORT OF PERSONNEL TRANSACTIONS

SCHOOL YEARS	ACCESSIONS					SEPARATIONS					TOTAL CHGS.	TOTAL PERSONNEL	RATIO CHG. TO PERSONNEL
	NEW ESRP	NEW TEACHERS	TRANSF.	SCH. CHG.	RETURN OF LAY OFFS	RESIGN.	DEATHS	TRANSF.	SCH. CHG.	LAY OFF			
1960/61	390	773	510	443	606	468	20	536	433	1011	5190	10208	1: 1.96 51%
1961/62	461	735	551	536	647	476	20	620	535	1114	5695	10429	1: 1.83 54%

SUMMARY

A. OVERALL DATA. THE 1962-63 SCHOOL ENROLLMENT OF 296,689 SHOWED AN INCREASE OF 9,237 PUPILS OVER THE 1960-61 ENROLLMENT OF 287,452. NEGRO PUPILS, HOWEVER, HAD INCREASED BY 14,090 AND TOTALED 145,185 OR 49%. WHITE PUPILS HAD DECREASED BY 5,127 AND TOTALED 151,684.

CONTRACT PERSONNEL NUMBERED 10,875 IN 1963, AN INCREASE OF 331. IN 1963, NEGRO CONTRACT PERSONNEL NUMBERED 2,648, REPRESENTED 24% AND AN INCREASE OF 373, WHILE WHITE CONTRACT PERSONNEL NUMBERED 8,200, A DECREASE OF 38.

B. PROGRESS TOWARD DESEGREGATION. IN EVERY DISTRICT OF THE CITY BUT ONE, THE NUMBER OF NEGRO TEACHERS INCREASED. IN THE THREE VIRTUALLY ALL-WHITE DISTRICTS, THE NUMBER OF NEGRO TEACHERS ROSE FROM 3 TO 11 IN THE NORTHWEST, 13 TO 24 IN THE NORTHEAST, AND 6 TO 79 IN THE WEST DISTRICT. HOWEVER, MOST OF THE CHANGE IS DUE TO THE ASSIGNMENT OF NEGRO TEACHERS TO SCHOOLS WITH ALREADY INTEGRATED FACULTIES IN THE WEST DISTRICT AND THE REDISTRICTING OF 2 SCHOOLS WITH RACIALLY MIXED STAFF FROM CENTER TO WEST.

C. EVALUATION OF PLACEMENT PATTERN. Distribution of White and Negro Teachers. OF THE 266 SCHOOLS IN 1961, A TOTAL OF 91 WERE WITHOUT NEGRO TEACHERS. OF THE 270 SCHOOLS IN 1963 THERE REMAIN 73 SCHOOLS OR 27%, WITHOUT NEGRO TEACHERS AND 43 SCHOOLS OUT OF THIS 73 WERE ALSO WITHOUT NEGRO PUPILS. IN 1961, NEGRO TEACHERS WERE ASSIGNED TO ONLY 5 SCHOOLS WITH ALL-WHITE STUDENT BODIES AND IN 1963 NUMBER OF SUCH ASSIGNMENTS INCREASED TO 10.

Interracial Experience. OPPORTUNITIES FOR CONTACT WITH NEGRO TEACHERS IS MOST LIMITED FOR THE WHITE ELEMENTARY SCHOOL CHILD; 46,324 OR 30% HAD NO CONTACT WITH NEGRO TEACHERS IN 1963.

Significance of Changes. IN 1961 THE CORRELATION BETWEEN NEGRO TEACHERS IN A SCHOOL AND NEGRO PUPILS IN THE SAME SCHOOL WAS 40.86, IN 1963 IT WAS 0.88. THE RELATIONSHIP BETWEEN THE PRESENCE OF NEGRO CHILDREN IN A SCHOOL AND WHETHER ANY SCHOOL HAS A NEGRO TEACHER WAS FOUND TO BE SIGNIFICANT BEYOND THE .001 LEVEL OF PROBABILITY IN BOTH 1961 AND 1963 AND COULD NOT HAVE OCCURRED BY CHANCE.

D. OPPORTUNITIES FOR CHANGE. DESPITE THE FACT THAT TURNOVER AND MOVEMENT OF PERSONNEL REPRESENTED 51% OF 10,208 CONTRACT PERSONNEL IN 1960-61 AND 54% OF 10,429 CONTRACT PERSONNEL IN 1961-62, THE NUMBER OF SCHOOLS WITH NEGRO TEACHERS AND NO NEGRO PUPILS ONLY INCREASED FROM 5 TO 10 FROM 1961 TO 1963. THESE 10,885 PERSONNEL CHANGES REPRESENTED SIGNIFICANT OPPORTUNITIES TO DEMONSTRATE A PATTERN OF TEACHER ASSIGNMENT WITHOUT REGARD TO RACE.

CONCLUSIONS

OUR CURRENT STUDY INDICATES THAT THE SITUATION AS REPORTED IN 1961 BY THE CACEEO COMMITTEE ON PERSONNEL REMAINS VIRTUALLY UNCHANGED. "THAT THE BOARD OF EDUCATION HAS FOLLOWED A PRACTICE OF (1) ASSIGNING NEGRO TEACHERS PREDOMINANTLY WITHIN CERTAIN DISTRICTS WHERE THERE ARE LARGE NUMBERS OF NEGRO PUPILS, AND (2) ASSIGNING NEGRO TEACHERS CHIEFLY TO RACIALLY MIXED SCHOOLS, IN MANY CASES ON A PROPORTIONAL BASIS. IF THERE ARE NO NEGRO CHILDREN IN A SCHOOL, NO NEGRO TEACHERS ARE ASSIGNED THERE; THIS RULE HAS FEW EXCEPTIONS TO DATE."

RECOMMENDATIONS

1. The Board of Education has full responsibility for policy in the Detroit Public Schools. There is no question in our minds as to the meaning of the policy adopted by the Board on November 11, 1955, "that the Michigan FEPC act be accepted as the practice and policy of the Detroit Board of Education."

   There can be no doubt in the minds of Detroit residents that the firm policy of the Board of Education is that recruitment, assignment, transfer and promotion of any and all personnel be accomplished without racial discrimination, and that the Board of Education accept its obligation not only to have nondiscriminatory policies and procedures but that it will do everything necessary and possible to achieve equal employment opportunity for all personnel and equal educational opportunity for all students.

   If there is any reservation on the part of the Board for the affirmation that this has been and is their intention as a public body, then it must be stated.

2. The Board has full responsibility for policy; the Superintendent, his administrative staff and the personnel division have the responsibility for achieving in practice the requirements of policy.

   In a Democratic society, with a public body, there are grave consequences whenever there is (1) refusal to carry out a policy, (2) where factors are consciously permitted to impinge on the process and subvert the policy, or (3) where no action is taken to control the operation of factors which would render achievement of the policy impossible.

   Despite the obligation to formulate and follow procedures which would accomplish equal opportunity guarantees as established under policy adopted in November, 1955, and despite the positive showing in the report of the CACEEO in 1962 that there was a continuing pattern of unequal opportunity, very little of a positive nature occurred. The 73 schools or 27% operated by the Board of Education with all-white teaching staff are testimony to that failure.

   The achievement of Board policy for the recruitment, assignment, transfer and promotion of personnel, without regard to race must take priority over any other consideration.

   In June 1963, the Superintendent took a partial step in the control of the problem of racially defined areas of assignment by requiring that "assignments of new teachers (be) made from the list of vacancies in order and without a choice of the first three."

   The key requirement in the assignment of any and all personnel is that need determine placement. Assignments must be made on the basis of need at the convenience and judgment of the Board. Factors unrelated to preparation or qualification, such as: geography or personal preference, which would restrict or deny opportunity based on race cannot be given priority in the decisions related to assignment.

   If there is any reservation on the part of the administrative staff to take affirmative responsibility for the immediate full, complete and demonstrable achievement in practice of this policy of equal employment opportunity, then it must be so stated.

3. Because we believe that the Board of Education and the Administration have both a moral and a legal obligation to the public to demonstrate policy with observable practice in all school settings, we therefore recommend:

A. That the Superintendent be directed to immediately begin to work with existing personnel to equalize opportunity within every school setting as the first step towards the confirmation of policy by observable practice.

B. That the Superintendent be directed to take those steps which will confirm and achieve on a continuing basis the random, non-racial assignment of teachers based on need.

C. That the Superintendent be directed to submit to the Board a specific plan for the accomplishment of the above policy.

D. That the Board appoint a five member citizen committee to review all personnel transactions with the Personnel Division on a monthly or weekly basis to determine that all proper steps are being taken to achieve equal educational opportunity in the assignment of all school personnel; and

E. That this committee be directed to report its findings and evaluations to the Board on a quarterly basis until its work is completed.

11C

July 16, 1964

MEMORANDUM TO: Commission on Community Relations

FROM: Committee on Schools

SUBJECT: Racial Distribution of Teachers in the Detroit Public Schools

In 1962, the Committee on Personnel of the Citizens' Advisory Committee on Equal Educational Opportunity reported to the Board of Education and the public "That the Board of Education has followed a practice of (1) assigning Negro teachers predominately within certain districts where there are large numbers of Negro pupils, and (2) assigning Negro teachers chiefly to racially mixed schools, in many cases on a proportional basis. If there are no Negro children in a school, no Negro teachers are assigned there; this rule has few exceptions to date."

As a follow up to that study, which was based on February, 1961 data, the Commission on Community Relations' Committee on Schools reviewed March, 1963 racial count data to determine whether or not any changes had occurred. In August, 1963, the Commission on Community Relations authorized the Committee on Schools to report its findings to the Board of Education that the teacher placement situation "remains virtually unchanged."

Following Board of Education consideration of the Committee on Schools' report at their September 10, 1963 meeting, President Kable responded to Committee recommendations contained in the report:

1. President Kable reaffirmed Board policy on the nondiscriminatory assignment of teachers.

2. President Kable reported that the Superintendent was working on the matter of equalizing opportunity within every school setting and that the results of the October, 1963 racial count would bear this out.

3. President Kable reported that the Commission on Community Relations had been invited to take the results of another racial count which is to be made October 1, in order to see whether large gains have been made.

Upon this invitation of the Board of Education, the Commission on Community Relations' Committee on Schools reviewed the October, 1963 racial count data. On January 30, 1964, the Committee on Schools discussed with the Superintendent their concerns relating to the October statistics. At that time, the Committee accepted the Superintendent's invitation to study individual personnel placement records.

The Committee on Schools reports the following findings:

1. <u>Data indicates a continued pattern of teacher placement reflecting unequal opportunity.</u>

In March, 1963, Negro teachers were not assigned on the staff of 73 of the city's 271 schools. In other

words, not one of the 2,600 Negro teachers had been assigned permanently to the staff of 27% of the schools operating under Detroit Board of Education policy.

(From Committee on Schools Report, August, 1963)

- In October, 1963, Negro teachers were not assigned on the staff of 56 of the city's 281 schools. Not one of the city's 2,592 Negro teachers were assigned to 52 (or 25%) of the elementary schools and 4 of the junior high schools.

- In October, 1963, those schools which had from 0 to 4 Negro teachers on their staff numbered 135, or approximately one half of the city's schools. In these 135 schools, a total of 182 (or 7%) of the Negro teachers were found. 3,428 white teachers were on the faculties of these 135 schools.

In October, 1963, those schools which had 5 or more Negro teachers on their staffs numbered 146, or approximately the remaining one half of the city's schools. In these 146 schools, a total of 2,410 (or 93%) of the Negro teachers were found. 3,759 white teachers were on these school faculties.

2. Data indicates a continued proportional relationship between Negro pupils attending a school and Negro teachers assigned to that school.

In March, 1963, it was found that as the number of Negro pupils in any particular school increased, the number of Negro teachers in that school also increased. Expressed mathematically, the correlation was .88. (From Committee on Schools Report, August, 1963)

- In October, 1963, it was found that the relationship between Negro pupils and Negro teachers in any school had not changed significantly since March. Expressed in mathematical terms, the correlation in October was .87.

- In October, 1963, the proportional relationship between Negro pupils and Negro teachers in the city's schools was further demonstrated by the fact that:

In the 135 schools with 0 to 4 Negro teachers on their staffs, 6%, or 9,082 Negro pupils were found and 7%, or 182 Negro teachers were found.

In the remaining 146 schools with 5 or more Negro teachers on their staffs, 94%, or 141,884 Negro pupils were found and 93%, or 2,410 Negro teachers were found.

3. DATA INDICATES SUFFICIENT OPPORTUNITY TO DEMONSTRATE BY OBSERVABLE RESULTS, BOARD OF EDUCATION POLICY OF NONDISCRIMINATION WITH REGARD TO THE ASSIGNMENT OF TEACHERS.

IN 1960-61, 51% OF THE SCHOOL PERSONNEL WERE INVOLVED IN PERSONNEL TRANSACTIONS, AND IN THE FOLLOWING YEARS, 54% OF THE 10,429 CONTRACT PERSONNEL WERE INVOLVED. MANY OF THESE CHANGES REPRESENTED SIGNIFICANT OPPORTUNITIES TO DEMONSTRATE A PATTERN OF TEACHER ASSIGNMENT WITHOUT REGARD TO RACE.

(FROM COMMITTEE ON SCHOOLS REPORT, AUGUST, 1963)

ELEMENTARY PLACEMENTS:

- IN OCTOBER, 1963, 102 ELEMENTARY SCHOOLS WERE FOUND IN THE CATEGORY OF FROM 0 TO 4 NEGRO TEACHERS ON THEIR STAFF. BETWEEN MARCH 30, 1963 AND OCTOBER 1, 1963, 385 PLACEMENTS WERE MADE IN THESE 102 ELEMENTARY SCHOOLS. THE RESULT OF THESE 385 PLACEMENTS WAS THE NET ADDITION OF ONLY 35 NEGRO TEACHERS TO THESE FACULTIES.

- IN OCTOBER, 1963, 52 ELEMENTARY SCHOOLS HAD NO NEGRO TEACHERS ON THEIR STAFFS. 10 OF THESE 52 SCHOOLS WHICH ACQUIRED NO NEGRO TEACHERS BEFORE OCTOBER, 1963, EXPANDED THEIR FACULTIES BY A TOTAL OF 33 ADDITIONAL TEACHERS BETWEEN MARCH AND OCTOBER, 1963.

NEW SCHOOLS:

- BETWEEN MARCH AND OCTOBER, 1963, SEVEN NEW SCHOOLS CAME INTO EXISTENCE.

- IN THE 4 NEW SCHOOLS WITH PREDOMINATELY NEGRO STUDENT BODIES, A TOTAL OF 144 TEACHERS WERE PLACED. 79, OR ABOUT 50% OF THESE 144 TEACHERS WERE NEGRO TEACHERS.

- IN THE 3 NEW SCHOOLS WITH ALMOST COMPLETELY WHITE STUDENT BODIES, 104 TEACHERS WERE ASSIGNED. ONLY 5 OF THE 104 TEACHERS WERE NEGRO TEACHERS.

ANALYSIS OF PLACEMENTS AFTER OCTOBER, 1963 IN THE 52 ELEMENTARY SCHOOLS WHICH HAD NO NEGRO TEACHERS:

- BETWEEN DECEMBER 16, 1963 AND MARCH 30, 1964, A TOTAL OF 73 TEACHERS WERE ASSIGNED TO 36 OF THE 52 SCHOOLS.

OF THESE 73 TEACHERS, ONLY 11 WERE NEGRO TEACHERS. THEY WERE PLACED IN 9 SCHOOLS.

- 2 OF THE 5 NEW CONTRACT TEACHERS WERE NEGROES.

- 6 OF THE 8 TEACHERS ASSIGNED UNDER THE CAREER TEACHER TRANSFER POLICY WERE NEGROES.

On the other hand:

- Only one of the 17 substitutes placed were Negroes.
- None of the 12 teachers placed in response to their requests for transfer were Negroes.
- None of the 6 teachers returning from leaves of absence were Negroes.
- Only one of the 20 teachers placed as a result of their release from other schools was a Negro.
- One of the 5 remaining special category of placements was a Negro.

None of the 11 Negro teachers were placed in the Northeast or East districts, while 7 of the 11 Negro teachers were assigned to the Northwest district, 2 in the North district and 2 in the West district.

CONSLUSIONS

At their meeting of January 24, 1956, the Board of Education accepted the Rules and Regulations of the Fair Employment Practices Act as the practice and policy of the Board of Education.

In 1958, in accepting the recommendations of the Citizens' Advisory Committee on School Needs, and again in 1962, in adopting the Superintendent's report accompanying the recommendations of the Citizens' Advisory Committee on Equal Educational Opportunities, the Board of Education reaffirmed their policy of nondiscrimination in the recruitment, promotion and assignment of teachers in the Detroit Public Schools.

Following the August, 1963 report of the Commission on Community Relations' Committee on Schools to the Board of Education, the Board clarified their policies and indicated the GOAL and INTENT of such policies:

1. As reported in the minutes of the September 10, 1963 meeting of the Board of Education, President Kable made reference to a recommendation contained in the August, 1963 report of the Commission on Community Relations' Committee on Schools which stated:

   > That the Superintendent be directed to immediately begin to work with existing personnel to equalize opportunity within every school setting as the first step toward the confirmation of policy by observable practice.

   In response to the above recommendation, President Kable reported that "The Superintendent is working on this matter and the results when the new statistics are taken will bear this out."

2. In a report to the Board of Education dated May 5, 1964, the Superintendent stated that:

> The Detroit Board of Education is on record with adopted policies and procedures <u>intended to provide a racially integrated school system</u>, to promote intergroup understanding, and to eliminate racial discrimination from any school practices, and to attain equal opportunity for all children.
>
> (Italics ours)

The report further defines the commitment of the Detroit Public Schools:

> The Detroit Schools have a commitment to <u>achieve and maintain a racially integrated school system</u> and to provide equal opportunity for all pupils.
>
> (Italics ours)

The Committee endorses the positive educational value of a "racially integrated school system" when, as in the area of teacher placement, demonstration of a policy of nondiscrimination provides students and teachers in <u>each</u> of the schools in the city the opportunity to learn attitudes and develop relationships based on mutual acceptance and respect for others regardless of their race.

After carefully analyzing Board of Education data as presented in the foregoing report, the Committee on Schools concludes that the Board of Education has failed to achieve with observable results, the confirmation of their stated policy.

In view of the stated policy commitments of the Board of Education, the Commission on Community Relations at their June 22, 1964 meeting authorized the Committee on Schools to request "that a plan of action be adopted to achieve a pattern of teacher placement consistent with the stated Board policy of equal opportunity in the assignment of all Detroit Public School teachers."

SBIcen
7/16/64

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BRADLEY, et al.,

Plaintiffs,

vs. No. 35257

WILLIAM G. MILLIKEN, et al.,

Defendants

and

DETROIT FEDERATION OF TEACHERS,
LOCAL 231, AMERICAN FEDERATION
OF TEACHERS, AFL-CIO,

Intervening Defen dant,

and

DENISE MAGDOWSKI, et al.,

Intervening Defendants,

REQUESTS FOR ADMISSIONS

1. Plaintiffs pursuant to Rule 36, F.R.C.P., request that defendant Detroit Board of Education within ten (10) days after service of this request, admit that the statements set forth below are true for the purpose of this action only.

A. Within the City of Detroit in 1940 there were 369 census tracts; in 1950 369 census tracts; and in 1970 420 census tracts. In 1970 there were more than 2 census tracts without a single non-white. In 1970 35 census tracts (or 8.33% of the total tracts) had no blacks and 93 census tracts (22.14%) had 9 or fewer blacks. For 1970 a comparison of the numbers and percentages of blacks and other non-whites in census tracts with less

than 5% non-white population shows: in the approximately 161 census tracts with less than 5% non-white population, other non-whites outnumber blacks in 97 census tracts (60.24%); only 2,050 blacks (.27% of the total black population in the city) appear in these approximately 161 census tracts compared with 2,919 other non-whites (23.97% of the total non-white other population in the city). Thus, although blacks constitute 98.25% of the city-wide non-white population, in the approximately 161 less than 5% non-white census tracts blacks constitute only 41.25% of the non-white population. Furthermore, in 1960 of the 435 census tracts in the City of Detroit 100 census tracts (35%) had no blacks, while 83 other census tracts had less than 10 blacks. Similarly in 1950 of the 369 census tracts in the city 39 (10.56%) had no blacks, while another 123 census tracts had 9 blacks or less.

2. Plaintiffs' request the Detroit Board of Education and the State defendants answer and admit within 10 days pursuant to Rule 36 of F.R.C.P. the following:

1) In 1960 the Michigan Corporation and Securities Commission investigated the Grosse Pointe Reference Report or "point" system and other real estate marketing practices in the State of Michigan.

2) The "point" system started in 1945. It grew from two considerations:

a. Grosse Pointe real estate brokers considered it poor policy to encourage the sale of a house to a client considered undesirable by the neighbors or break up homogeneous neighborhoods by

the introduction of a different type of person.

b. Grosse Pointe real estate brokers considered the following statement from the 1943 Real Estate Licensing Law Handbook (or Red Book) a directive from the Michigan Corporation and Securities Commission:

> "....brokers and salesmen ought to observe a code of ethics. This Commission subscribes to the Code of Ethics which has been adopted by the National Association of Real Estate Boards... Article 34. A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood."

3. Brokers had been called before the Commission for questioning because of sales to Negroes in previously all-white neighborhoods.

4. As a result of the Grosse Pointe hearings referred to in No. 1, State Attorney General Paul Adams and Corporation and Securities Commissioner Gubow found that:

a. The "point system" is wholly immoral.

b. Under its screening process prospective purchasers are condemned because of their race, color or creed.

c. Under the "point" system all prospective purchasers are required to live up to a certain level, but much higher standards are required of certain persons. A Pole is required to have 5 additional points. An Italian, Yugoslav, Greek, Syrian, Lebanese, Armenian, Maltese, Rumanian or other Southern

European is required to have 35 additional points. Orientals and Negroes are not considered at all. (See, generally, transcript of May 13, 1960 attached.)

As a result of these findings the State Attorney General and Commissioner Gubow ordered the following:

(1) Complete abandonment of the "point" system and any other screening system based upon discrimination because of race, color or creed; (2) total secession of any interchange of screening information by the Grosse Pointe Property Owners Association and the Grosse Pointe Brokers Association; (3) a stop to further sales or trading in the stock of Grosse Pointe Properties, Inc.; (4) further consideration of new rules and regulation as to unlawful activities by brokers under any screening system based upon discrimination in regard to race, color, or creed.

5. Commissioner Gubow proposed, on May 27, 1960, Rule 9 to define particularly what would be considered "unfair dealing" under Sec. 8 and 13(k) of Act 306, P.A. 1919, as amended:

> The Michigan Corporation and Securities Commission by authority of Section 8, No. 306, P.A. 1919 (C.L. 1948, Section 451.201 et seq.), amends its Real Estate Division Rules and Regulations by adding Rule 9 under the preamble reading as follows:
>
> "Any broker or salesman who fails or neglects to abide by the following rules and regulations adopted by the Michigan Corporation and Securities Commission shall be presumed to be guilty of unfair dealing;"

Said added rule to read as follows:

R 501.309

9. A broker or salesman, acting individually or jointly with others, shall not refuse to sell or offer for sale, or to buy or offer to buy, or to appraise, or to list, or to negotiate the purchase, exchange or mortgage of real estate, or to negotiate for the construction of buildings thereon, or to lease or offer for lease, or to rent or offer for rent, any real estate or the improvements thereon, or any other service performed as broker or salesman, because of the race, color, religion, national origin or ancestry of any person or persons.

A broker or salesman, acting individually or jointly with others, shall not refuse to sell or offer to sell, or to buy or offer to buy, or to receive an offer to sell or to buy, or to lease or offer for lease, or to negotiate the purchase, sale or exchange of a business, business opportunity or the good will of an existing business, or any other service performed as broker or salesman, because of the race, color, religion, national origin or ancestry of any person or persons.

6. Subsequently hearings were held in connection with the proposed Rule 9 by Commissioner Gubow at which time evidence was recorded concerning real estate marketing practices in other areas of the State. The Commission found with respect to discrimination practices that they included the following:

(1) "Gentleman's agreements" between property owners and real-estate brokers not to sell or rent to Negroes, Mexicans, Orientals, Jews, and other so-called undesirables outside of specifically defined areas (such agreements also exist between brokers or between real estate boards); (2) practices on the part of real estate brokers and salesmen of showing prospective purchasers whom they label "undesirable" houses not in the price range for which they asked, but either in a much lower or much higher priced area, or houses too large, unkempt, etc.; (3) brokers telling prospective purchasers (a) they have no houses available for them (b) the owner doesn't want to sell, (c) the house listed has already been sold, (d) no use showing you what we have, for the owner will not accept your offer, (e) the neighbors will complain about our having sold you this house, (f) you will not be happy in this neighborhood, for there are no Negroes, Mexicans, Jews, etc., (as the case may be) in the neighborhood, (g) it will hurt my business if I sell to you; (4) after making an appointment to meet the prospective purchaser at the listed house the broker or salesman fails to show, and then either does not contact the purchaser at all, or, if contacted apologizes that he was unable to be at the designated place for some reason or other, that the house has been sold, but he does have some nice homes which he can show them; and (5) we even had one case where a broker put a cloud on the title in order to prevent

the sale of property to people whom he believed would be detrimental to the neighborhood.

7. Rule 9 promulgated (see Statement of June 30, 1960) by Commissioner Gubow on or about May 27, 1960 and formally adopted on June 30, 1960 by the Corporation and Securities Commission was overturned by action by the courts of the State of Michigan, particularly by the Supreme Court in the case of McKibbin v. the Corporation and Securities Commission, 369 Michigan 69 (1963). The Plaintiffs in that case were "duly licensed real estate brokers, either as individuals or corporate brokers."

Plaintiffs request defendants to admit the genuineness of the following, which are attached as copies of the answer:

1. Statement of Commissioner Lawrence Gubow, Michigan Corporation and Securities Commission, December 14, 1960
2. Excerpt of Transcript in Re: an investigation into alleged use of Point System by Certain Grosse Pointe Real Estate Groups, May 13, 1960; Joint statement of the Attorney General Paul Adams and Commissioner Lawrence Gubow.
3. Statement of Lawrence Gubow, Michigan Corporation and Securities Commission, June 30, 1960.

Respectfully submitted,

Louis R. Lucas
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BRADLEY, et al,

Plaintiffs,

v. No. 35257

WILLIAM G. MILLIKEN, et al,

Defendants.

ANSWER OF THE STATE DEFENDANTS TO
PLAINTIFFS' REQUEST FOR ADMISSIONS

Now come William G. Milliken, Governor of the State of Michigan, Frank J. Kelley, Attorney General, John W. Porter, Superintendent of Public Instruction, and the State Board of Education, defendants in the above entitled cause, and answer the plaintiffs' request for admissions number two through seven and plaintiffs' request to admit the genuineness of certain documents, as follows:

1. In response to paragraph 2(1) of plaintiffs' request for admissions, the state defendants admit that in 1960 the Michigan Corporation and Securities Commission investigated the Grosse Pointe "point" system and deny that in 1960 the Michigan Corporation and Securities Commission investigated other real estate marketing practices in the State of Michigan.

2. In response to paragraph 2(2), a and b of plaintiffs' request for admissions, the state defendants admit that the Grosse Pointe Brokers Association and the Grosse Pointe Property Owners Association established and maintained a screening system to winnow

out would-be purchasers who were "undesirable." Further, the state defendants admit that the screening system was a device through which prospective purchasers of homes in the Grosse Pointe area were investigated by a private detective agency and then graded by such factors as their national origin, whether their way of living was "typically American," their church and club membership, whether their friends were predominantly "typical," their swarthiness, nature of speech, occupation or position, source of income, dress, and whether their names were "typically American." Further, the state defendants admit that a committee of three brokers, who were able to operate as brokers solely because they held a State license, graded the above information when received and the grades were then used to determine whether the prospective purchasers were to be admitted to the Grosse Pointe residential area. Further, the state defendants admit that the Grosse Pointe "point" system started in 1945. Further, the state defendants deny that the Grosse Pointe "point" system grew from or as a result of the Code of Ethics as published in the 1943 Real Estate Licensing Handbook, hereafter referred to as the "Red Book."

Further, the state defendants admit that Paul Maxon, who in his alleged capacity as President of Maxon Brothers, Inc., which was a brokerage firm that specialized in Grosse Pointe real estate; as secretary of the Grosse Pointe Brokers Association, and a member of its board of directors, and as a member of the board of directors of the Grosse Pointe Property Owners Association, did in fact read a sworn statement on May 2, 1960 to the Commissioner of the Corporation and Securities Commission in response to an investigation conducted by the Commissioner into the alleged use of a "point" system by certain Grosse Pointe real estate groups, and that Mr. Maxon's sworn statement, in an attempt by him to justify the actions of the Grosse Pointe realtors, claimed the following:

"1. It grew from the understandable fact that reputable real estate brokers considered it poor policy to encourage the sale of a house to a client and later to promote the sale of another house in the same neighborhood to one likely to harm the neighborhood's real estate values. This harm to neighborhood values plainly resulted from the prejudices of prospective purchasers. The house hunters preferred neighborhoods occupied by families likely to be congenial. They also preferred neighborhoods where their investments were likely to be secure. Homogenous neighborhoods were preferred. When a house hunter learned that a cliquish or clannish group of families unlikely to absorb local customs and against which some general prejudice existed had begun buying in a certain neighborhood, this house hunter tended to look elsewhere. This naturally lowered the demand for that neighborhood and, since values depend on demand, it lowered values. When the buying public tended to desert depreciated neighborhoods, which the buying public, through their own prejudices, had themselves depreciated. It was not the brokers' prejudices which gave birth to the Reference Report System, nor the prejudices of the home owners (unless when they had been buyers). The plan was created by the fears and prejudices of the prospective purchasers themselves.

"2. The system also grew from what was considered a directive from Michigan Corporation & Securities Commission, which had printed in its 'Red Book' of 1943 the Code of Ethics of the National Association of Real Estate Boards. The Commission's prefix to this Code read in past [sic] as follows:

> '---brokers and salesmen ought to observe a Code of Ethics. This Commission subscribes to the Code of Ethics which has been adopted by the National Association of Real Estate Boards --- said Code is --- printed below.'

"Article 34 of this Code of Ethics read as follows:

> 'A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.'

"This article was amended by the National Association Real Estate Boards in 1950 to read:

> 'A realtor should not be instrumental in introducing into a neighborhood a character of property or use which will clearly be detrimental to property values in that neighborhood.'"

Further, the state defendants admit that the following "introduction" to the Code of Ethics was printed in the 1943 "Red Book":

> "The foregoing real estate law and the rules and regulations promulgated by this Commission constitute a code of conduct which brokers and salesmen must observe. In addition, however, brokers and salesmen ought to observe a code of ethics. This Commission subscribes to the code of ethics which has been adopted by the National Association of Real Estate Boards, and, for the information and guidance of brokers and salesmen, said code is printed below: . . ."[Emphasis not ours]

Further, the state defendants admit that Article 34 of the Code of Ethics, as printed in the 1943 "Red Book" provided:

> "A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood."

Further, the state defendants admit that the same "introduction" to the Code of Ethics as quoted above was printed in the 1948 "Red Book", but Article 34 of the Code of Ethics as printed in the 1948 "Red Book" was substantially amended by deleting the words:

> ". . . or occupancy, members of any race or nationality, or any individuals whose presence . . ."

and as a result, Article 34 was printed as follows:

> "A realtor should never be instrumental in introducing into a neighborhood a character of property which will clearly be detrimental to property values in that neighborhood."

Further, the state defendants admit that the 1953 "Red Book" did not contain the above quoted "introduction" to the Code of Ethics, and subsequent to the 1953 publication of the "Red Book," the Code of Ethics was no longer printed in the "Red Book."

Further, the state defendants admit no more.

3. In response to paragraph 3 of plaintiffs' request for admissions, the state defendants deny that brokers had been called before the Commission for questioning because of sales to Negroes in previously all-white neighborhoods. Further, the state defendants admit that the Michigan Corporation and Securities Commission enforced the state statutes and administrative rules applicable to real estate brokers. Further, the state defendants deny that the Michigan Corporation and Securities Commission ever enforced any part of the Code of Ethics referred to above. Further, the state defendants admit that a person gave an unsworn statement before Commissioner Dubow on June 21, 1960 during a public hearing on proposed Rule 9, wherein said person alleged that he had been called in unofficially for a conference before the Michigan Corporation and Securities Commission approximately 8 or 9 years prior to the date of his statement because he had sold property in a white neighborhood to a Negro person in some undisclosed community. Further, the state defendants deny that said person had ever been called in for a conference or hearing by the Michigan Corporation and Securities Commission because he had sold property in a white neighborhood to a Negro person.

Further, the state defendants admit no more.

4. In response to paragraph 4 a, b, c, of plaintiffs' request for admissions, the state defendants admit that on May 13, 1960, State Attorney General Paul L. Adams and Corporation and Securities Commissioner Dubow concluded the investigation into the Grosse Pointe "point" system and that Paul L. Adams, Attorney General, made a statement in his behalf and in behalf of Commissioner Dubow which stated, in part, as follows:

"All of this material has only served to confirm our belief that the system is wholly immoral.

"Under the screening process prospective purchasers are condemned because of their race, color or creed based upon a summary $10.00 investigation by a private detective. The detective uses pretexts of interview the neighbors of the person under investigation--not the person himself.

"We in America believe that a man has a right to face his accusers and to know that of which he has been accused. This is not done. Rather the utmost secrecy is preserved.

"While all people are required to measure up to certain standards, much higher standards are exacted from certain persons.

"A Pole is required to have 5 additional points.

"An Italian, Yugoslav, Greek, Syrian, Lebanese, Armenian, Maltese, Rumanian, or other Southern European is required to have 15 additional points.

"A Jew is required to have 35 additional points and his points are more difficult to achieve because of penalties in a special marking system for Jews.

"Orientals and Negroes are not considered at all.

"I am satisfied many of the Grosse Pointers themselves had not the slightest idea as to the nature of the system which is being used in Grosse Pointe or the enormity of its conception and execution. Under the leadership of the ministers and priests of that community, a great surge of moral indignation and revulsion against the system has been steadily rising.

"But first let me turn to the legal problems involved. Since this matter came to our attention we have given careful consideration to what legal steps might be taken to do away with the system. Analysis of the activities of the various groups indicated to us the possibility of prosecution of certain corporations and individuals for violation of the Corporation & Securities Blue Sky Laws, the possibility of quo warranto proceedings aimed at the destruction of the corporate organizations used to carry out this scheme and restrain competition, the possibility that Commissioner Gubow might take steps to revoke the licenses of those real estate brokers engaged in the perpetration of the scheme.

"Commissioner Gubow and I, and in fact all of the people of the State of Michigan, are faced here with a situation that is primarily a moral problem. We are faced with the question as to whether or not we honestly and truly believe in the words of our Declaration of Independence that all men are created

equal. As one minister put the problem, 'We should seek communities made all-inclusive by love rather than exclusive by pride.'

"Commissioner Gubow and I might pursue this investigation for many more days, but we are convinced that this is unnecessary. Rather, what is needed is the conversion of all of us to a way of life that is closer to our American ideal."

Further, in response to paragraph 4 (c)(1) of plaintiffs' request for admissions, the state defendants admit that the State Attorney General Adams and the Commissioner of the Corporation and Securities Commission Gubow, did make the following joint statement:

"Under these circumstances we announce the following program:

"1. There must be a complete and absolute abandonment of the screening and reporting system and an absolute pledge and assurance by all persons involved that such a system based upon discrimination because of race, color or creed will never again become a part of their activities.

"To accomplish this end we will require the Grosse Pointe Property Owners Association to take appropriate action to repudiate the screening regulations and all of the screening practices in which it or any of its members have participated.

"We will further require that the Grosse Pointe Brokers Association take formal action to amend its by-laws to delete therefrom any reference to the screening regulations, to compliance therewith and to any other of the screening system practices. We will require that these two corporations completely separate themselves from any co-ordinate or cooperative effort to engage in the screening process or to interchange screening information.

"To accomplish these objectives in a manner satisfactory to us will take a reasonable period of time. Therefore, we are adjourning the present hearing subject to being reconvened at the end of 30 days, upon notification by Mr. Gubow. During this period we stand ready to work with the two corporations, the individual brokers, the property owners and the attorneys, to accomplish these objectives and to implement the required corporate action. If good faith efforts are not made to these ends, we shall be compelled to impose all sanctions against these corporations permitted under the law for the purpose of mandatorily requiring the outlawing and abandonment of the discriminatory screening process.

"2. The information which has been received into the record in this proceeding has made it clear that additional rules and regulations are needed governing the activities of real estate brokers as to unlawful activities by brokers under a screening system based upon discrimination in regard to race, color, or creed. The Corporation & Securities Commission will immediately undertake the preparation and promulgation of an adequate rule.

"3. It clearly appears from the information received in this hearing that there have been violations of the Blue Sky Law in connection with the issuance and transfer of the stock of Grosse Pointe Properties, Inc. A stop order will be issued immediately by the Corporation & Securities Commission prohibiting further sales or trading in the common shares of that corporation.

"4. If further or additional action is indicated, we shall not be foreclosed from proceeding by way of the statements or program announced herein."

Further, the state defendants admit that subsequent to May 13, 1960, the Commissioner of the Corporation and Securities Commission did not receive any additional complaints concerning the Grosse Pointe "point" system.

Further, the state defendants admit no more.

5. In answer to paragraph 5 of plaintiffs' request for admissions, the state defendants admit that Rule 9, as adopted and promulgated, read as follows:

"A broker or salesman, acting individually or jointly with others, shall not refuse to sell or offer for sale, or to buy or offer to buy, or to receive an offer to sell or to buy, or to appraise, or to list, or to negotiate the purchase, sale, exchange or mortgage of real estate, or to negotiate for the construction of buildings thereon, or to lease or offer for lease, or to rent or offer for rent, any real estate or the improvements thereon, or any other service performed as broker or salesman, because of the race, color, religion, national origin or ancestry of any person or persons.

"A broker or salesman, acting individually or jointly with others, shall not refuse to sell or offer to sell, or to buy or offer to buy, or to receive an offer to sell or to buy, or to lease or offer for lease, or to negotiate the purchase, sale or exchange of a business, business opportunity,

or the good will of an existing business, or any other service performed as broker or salesman, because of the race, color, religion, national origin or ancestry of any person or persons."

Further, the state defendants admit no more.

6. In response to paragraph 6 of plaintiffs' request for admissions, the state defendants admit that Commissioner Gubow held hearings on proposed Rule 9 and deny that evidence was recorded concerning real estate marketing practices in other areas of the State from which the Commission made findings with respect to discrimination practices. Further, the state defendants admit that on December 14, 1960 Commissioner Gubow filed a statement with the United States Commission on Civil Rights which contained within it a listing of the five practices set forth on pages 5 and 6 of plaintiffs' request for admissions. Further, the state defendants admit that Commissioner Gubow's sources of information concerning practices one through four included the investigation into the Grosse Pointe "point" system, the unsworn statements of persons not subject to cross-examination at the hearings on proposed Rule 9, and conversations, telephone calls and letters involving Commissioner Gubow which occurred or were received by Commissioner Gubow in his Lansing office and in his travels throughout the State. Further, the state defendants admit that Commissioner Gubow's source of information for the fifth practice was a hearing before the Michigan Corporation and Securities Commission.

Further, the state defendants admit no more.

7. In response to paragraph 7 of plaintiffs' request for admissions, the state defendants admit that the Supreme Court of Michigan, in McKibbin v Corporation and Securities Commission, 369 Mich 69 (1963), held that the defendant Commission had exceeded its statutory authority by promulgating Rule 9 and affirmed the injunction

issued by the Circuit Court against the enforcement of Rule 9 by the defendant Commission. Further, the state defendants admit that the plaintiffs in that case were duly licensed real estate brokers, either as individuals or corporate brokers. Further, the state defendants admit that in that case there was no trial before the Circuit Court and the case was decided solely on questions of law. Further, the state defendants admit the genuineness of each of the three documents listed in paragraph 7 of plaintiffs' request for admissions. Dates of promulgation and adoption are admitted.

Further, the state defendants admit no more.

FRANK J. KELLEY
Attorney General

Eugene Krasicky
Assistant Attorney General

Gerald F. Young
Assistant Attorney General

William G. Jackson
Assistant Attorney General

Attorneys for State Defendants

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525 West Ottawa
Lansing, Michigan 48913

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BRADLEY, et al,

Plaintiffs,

v. No. 35257

WILLIAM G. MILLIKEN, et al,

Defendants.

SUPPLEMENTAL ANSWER OF THE STATE DEFENDANTS TO PLAINTIFFS' REQUEST FOR ADMISSIONS

5. In addition to the answer already filed by the state defendants to paragraph 5 of plaintiffs' request for admissions, the state defendants admit that on May 27, 1960 Commissioner Gubow proposed Rule 9 to define "unfair dealing" under Act 306, PA 1919, as amended, and that the proposed rule contained the following introduction:

> "The Michigan Corporation and Securities Commission by authority of Section 8, Act No. 306, P.A. 1919 (C.L. 1948, Section 451.201 et seq), amends its Real Estate Division Rules and Regulations by adding Rule 9 under the preamble reading as follows:
>
> "'Any broker or salesman who fails or neglects to abide by the following rules and regulations adopted by the Michigan Corporation and Securities Commission shall be presumed to be guilty of unfair dealing.'"

FRANK J. KELLEY
Attorney General

Eugene Krasicky
Assistant Attorney General

Gerald P. Young
Assistant Attorney General
Attorneys for State Defendants

Seven Story Office Building
525 West Ottawa
Lansing, Michigan 48913

Dated: June 17, 1971

16-2

STATE OF MICHIGAN

BEFORE THE CORPORATION & SECURITIES COMMISSION

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tigation into alleged :
int System by certain :
inte real estate groups :
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. . . . . .

- FRIDAY, MAY 13, 1960 -

Pages 876 - 939

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ACCURATE COURT REPORTERS
1042 GUHL BUILDING
DETROIT 26, MICHIGAN

STATE OF MICHIGAN

BEFORE THE CORPORATION & SECURITIES COMMISSION

In Re:	:	
	:	
An Investigation into alleged	:	
use of Point System by certain	:	
Grosse Pointe real estate groups	:	
	:	

Proceedings had and testimony taken before Lawrence Gubow, Corporation & Securities Commissioner, on Friday, May 13, 1960, on the 11th floor, Cadillac Square Building, Detroit, Michigan, commencing at 9:45 o'clock a.m.

APPEARANCES:

PAUL L. ADAMS, Attorney General, State of Michigan
STANTON S. FAVILLE, Chief Assistant Attorney General, State of Michigan
SAMUEL J. TORINA, Solicitor General of Michigan
LEON S. COHAN, Assistant Attorney General, State of Michigan
State Capitol Building, Lansing, Michigan

DYKEMA, WHEAT, SPENCER, GOODNOW & TRIGG,
2746 Penobscot Building, Detroit, Michigan,
Appearing for Grosse Pointe Property Owners Association and Grosse Pointe Properties, Inc., and individuals subpoenaed in connection with those corporations
By: H. GORDON WOOD

MILLER, CANFIELD, PADDOCK & STONE,
3456 Penobscot Building, Detroit, Michigan,
Appearing for Grosse Pointe Brokers Association and individuals subpoenaed in connection with that corporation
By: GEORGE E. BUSHNELL, JR.

Of Counsel: LESTER S. MOLL, 3266 Penobscot Building, Detroit, Michigan

-- Examples of Suburban School Districts and Schools which are substantially disproportionate in the racial composition of their student populations yet contiguous to schools within the School District of the City of Detroit.

Suburban School Districts and Schools	% Black Students 1968-69 [1]	% Black Students 1969-70 [2]	Contiguous Detroit Schools	% Black Students 1968-69 [3]	% Black Students 1969-70 [3]
I. Melvindale					
N. Allen Park	0.0	0.0	Boynton	97.7	99.0
			Hunter	54.4	41.0
			Southwestern	99.5	99.5
II. Lincoln Park	0.0	0.0	Boynton	97.7	99.0
			Mark Twain	99.8	99.9
			Southwestern	81.9	86.7
III. Dearborn	0.0	0.0	O.W.Holmes	21.5	21.0
			Barton	90.2	94.7
			McFarlane	62.0	77.6
			Drew	----	95.0
			Chadsey	48.2	49.9
IV. Oak Park [4]	9.7	10.5	Vandenberg	84.3	91.4
Carver El.	98.7	--	Vernor	85.4	94.7
Dewel El.	3.3	--	Higginbotham	99.8	100.0
Einstein El.	2.3	--	Beaubien	95.2	97.4
Key El.	.3	--	Mumford	91.7	94.7
Lessenger El.	3.1	--			
Pepper El.	3.1	--			
Roosevelt El.	2.3				

Va 89

Suburban School Districts and Schools	% Black Students 1968-69 [1]	% Black Students 1969-70 [2]	Contiguous Detroit Schools	% Black Students 1968-69 [3]	% Black Students 1969-70 [4]
V. Ferndale	10.0	9.4	Pasteur	90.0	91.5
U.S.Grant El.	100.0	--	Hampton	55.6	63.6
Jackson El.	.2	--	Nolan	60.2	63.6
Coolidge El.	.1	--	Mumford	91.7	94.7
Washington El.	.3	--	Pershing	50.5	57.7
Best El.	.2	--			
Roosevelt El.	0.0	--			
Jefferson El.	0.0	--			
VI. Hazel Park	0.0	0.0	Marshal	45.4	57.3
			Nolan	60.2	63.6
			Pershing	50.5	57.7
VII. Warren	0.1	0.2	Farwell	64.0	63.3
			Vanzile	38.3	46.9
			Mason	43.7	48.6
			Pershing	50.5	57.7
VIII. Grosse Pointe	0.0	0.0	Guyton	11.6	17.2
			Jackson	41.3	39.8
			Southwestern	85.5	91.4

1. Source: Pl. Ex. 181 (HEW School Directory, 1968-69)
2. Source: Pl. Ex. 182 (Michigan School Racial Census, 1969-70)
3. Source: Pl. Ex. 128B (Percent Black of Students in Regular Attendance Area Schools)
4. Source: Pl. Ex. 181 (Hew School Directory, 1968-69)

STATEMENT OF A. L. ZWERDLING
President, Detroit Board of Education
Annual Meeting, July 1, 1969

t weekend we received a notice from the Director of Governor Milliken's MISSION ON EDUCATION REFORM that it will be holding open hearings this th "to chart the future of education." He enclosed the Governor's Special sage on Education in which the Governor stated: "What is clearly needed is id and total reform of many parts of our educational system, and a clear eprint for the future."

your newly elected president I entirely agree with the need for "solid and al reform."

n I was elected to the BOARD in 1964, I ran for the purpose of supporting Constitutional right of every child to an equal opportunity for quality cation in our free public schools. I believe that the American Dream can realized — but only in an integrated, open society. It cannot survive in regated ghettos, whether created by necessity or by choice.

1964 the SCHOOL DISTRICT OF DETROIT had 46.3% white students and 53% black dents. Today it has 39% white students and 59.4% black students. If this nd continues — and all evidence suggests that it will — in a few years the ools of Detroit will be completely segregated.

nwhile, our suburban systems reflect the opposite trend in terms of racial position. The vast majority of our suburban school systems have an insignificant percentage of minority group students in their membership. A society ch claims to believe in equal opportunity is — in reality — reinforcing lation by supporting segregated school systems.

response to this has been emphasis on dividing up the school district hin the boundaries of Detroit in order to give more control of the subdivis to the people in the particular areas of the city. But there is a vast spiracy of silence concerning the basic need for redistricting <u>across</u> roit's <u>city limits</u> into the all-white suburbs of Dearborn and Grosse Pointe.

As you know, I have been and I am an advocate of increased community co
I am concerned that the people of our city are more closely involved in t
operation of their schools. But I am also concerned that we do not let t
overshadow the bigger issue in education today.

We cannot talk about "solid and total reform" as the Governor urges unle
face the issue of redistricting across city boundaries.

Too many blacks are retreating in defeat to self-imposed segregation, re
to surrendering the brief hope of making America work which we glimpsed
the Supreme Court Decision of 1954 directed racial desegregation of scho
Too many whites are abandoning the city and have fled to gilded, middle-c
ghettos.

Meanwhile, the Federal Government finances mammoth highway construction t
build an expressway system which makes this situation possible, while edu
tion limps along on a starvation diet.

Take a look — from the air — at the center of our city. It is divided an
paved over by a vast wasteland of expressways where no living soul can ta
root. Thousands of homes and businesses have been destroyed by the wrecki
ball to make way for miles of highways to accommodate — not the people wh
have left these homes — but thousands on their way to the suburbs. Financ
by massive infusions of Federal monies, it has changed Detroit from a pla
live in to a place to go from. It is increasingly true that those who ma
their living in Detroit — and can afford it — use the escape routes provi
by Federal money to make their homes outside this city.

The poor and the black remain trapped within our boundaries. The middle-
whites escape each night — along with those few blacks who are affluent e
to join them.

As a result, the Constitutional and moral right to equal opportunity and
education — which is the foundation stone for making democracy work — is
becoming an empty promise in the face of the grim facts of a physical se
tion, which means segregation.

e harsh realities of life strengthen the self-defeating forces of black
eparatism in education which are so suspiciously acceptable to white conser-
tives. Many blacks are retreating to separatism because the glimpse of
tegration was only a fleeting picture in the face of the white exodus. The
eling of powerlessness has forced many to believe that separateness is their
swer for self-determination.

y is there so much talk of dividing up the SCHOOL DISTRICT OF DETROIT and
t a breath of a suggestion that we redistrict to achieve integration by
ossing city boundaries? Why is it that expressways can penetrate our bound-
ies into Grosse Pointe, Bloomfield Hills and Dearborn, but our school dis-
ict ends at the city limits? Our great Detroit water system — so vitally
portant to the development of acres of suburban land — reaches across our
ty boundaries into the greater metropolitan area. Our cultural institutions
tract thousands who live in the suburbs. WHY THEN IS OUR SCHOOL DISTRICT SO
ONFINED?

call upon the Governor, the Legislature, the COMMISSION ON EDUCATIONAL
EFORM, and the State Board of Education to face up to this challenge.

r the purposes of exploring how redistricting might work, let's take a ride
rth on the Chrysler Expressway. Just west of the Chrysler Expressway and
e Holbrook Interchange, in the heart of the city, is the location of
ORTHERN HIGH SCHOOL. This school is 98% black and 2% white. The median
come for residents in this high school constellation in 1965 was $4,030.
ve minutes away, up the Chrysler Expressway, we cross Detroit's city limits
d enter the Hazel Park School District with 18,082 children, of whom 99.65%
e white. In 1965 residents of Hazel Park had a median income of $7,170.

ve minutes later, still going north on the Chrysler Expressway, we enter
dison Heights. Madison Heights has 4,888 school children, of whom 63, or
28% are from minority groups. Residents of Madison Heights in 1965 had a
dian income of $8,250.

, let us go east on the Ford Expressway from the Chrysler Interchange. In
ree to four minutes we approach the Van Dyke exit. A few feet east of this
it is the location of KETTERING HIGH SCHOOL, which is 85.17% black. The
dian income of the residents is $5,100. Travel a few miles north on

Van Dyke and one leaves Detroit and enters the Warren Consolidated School District with 27,443 school children, of whom 99.3% are white. In 1965, the median income of Warren residents was $8,510. The Centerline School District in the same area has 6,001 students of whom only 85, or 1.41%, are from minority groups. In 1965, residents in this city had a median income of $7,740.

Let us go back on the Ford Expressway to the Chrysler Interchange and travel west. In three to four minutes we reach the Grand River exit. A few blocks north on Grand River, in less than two minutes, we arrive at the location of NORTHWESTERN HIGH SCHOOL. NORTHWESTERN'S student population is 93.59% black. In 1965, residents of this area had a median income of $5,920.

Back on the Ford Expressway, again traveling west, in five minutes we enter the City of Dearborn. The Dearborn School District has a student population of 21,799, of whom 243, or 1.11% are from minority groups. In 1965, the median income in Dearborn was $8,500.

At this point, let us leave our magnificent expressways and travel east on Jefferson Avenue from the City-County Building. Three blocks north on Jefferson and Elmwood is the location of the MARTIN LUTHER KING, SENIOR HIGH SCHOOL which is 96.15% black. Residents in this area in 1965 had a median income of $4,540.

Eight minutes later out Jefferson, we enter Grosse Pointe. Grosse Pointe has 13,019 school children attending public schools of which 34, or 0.26% are from minority groups. The Pointes had in 1965 a median income of $15,600.

The State Legislature has full power to pass legislation mandating the reorganization of school districts across city and even county boundaries. Just as it has passed a bill which would divide the DETROIT SCHOOL DISTRICT into regions of from 25,000 to 50,000 children, it can enact legislation, for example, which would create a school district embracing Detroit's MARTIN LUTHER KING and SOUTHEASTERN HIGH SCHOOLS and their constellations, with the GROSSE POINTE SCHOOL DISTRICT, and the ST. CLAIR SHORES SCHOOL DISTRICT into one school district of 56,000 children of whom 59.5% would be white and 40.5% black.

Detroit's NORTHWESTERN and CHADSEY HIGH SCHOOL constellations, the DEARBORN
LIC SCHOOLS, DEARBORN HEIGHTS NO. 7, DEARBORN NO. 8, and the INKSTER PUBLIC
OOL DISTRICT could come together as one district of 61,000 children, of
n 58.40% would be white and 41.60% black.

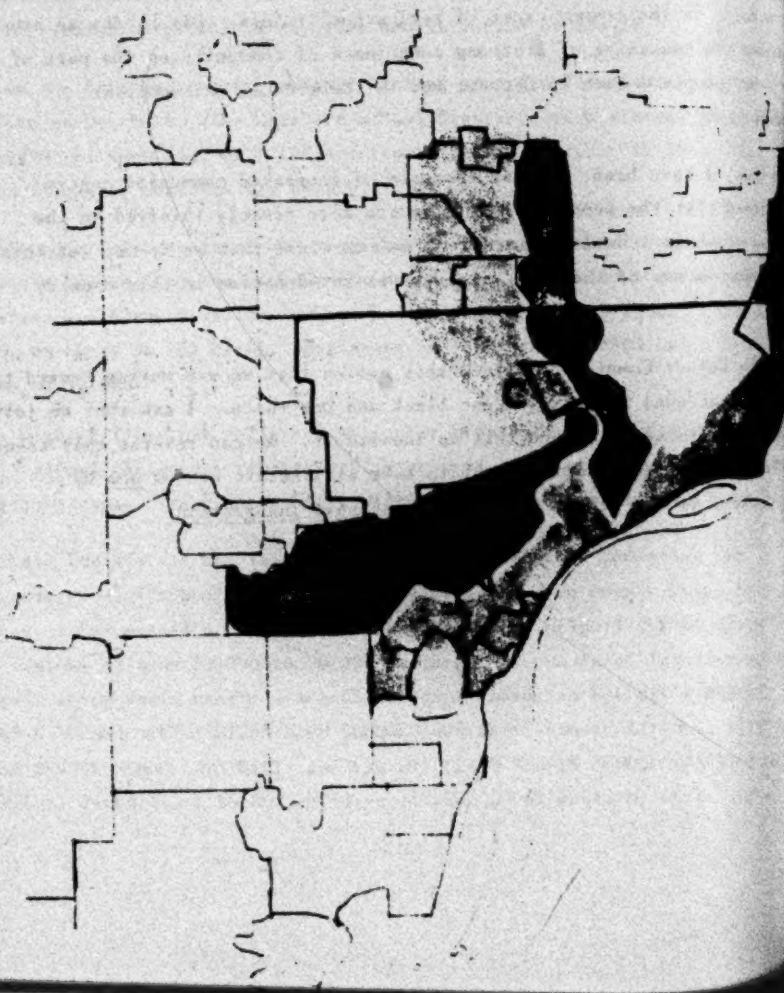
er examples of feasible groupings which would create integrated districts
attached to this statement and shown on the charts — all based on the
ober 1968 State Board of Education racial count.

all upon the citizens of our suburbs to join hands with the citizens of our
y to unite in the common cause of real school reform. Day by day we are
nessing the awakening of a strong conscience of community on the part of
y of our people — both in Detroit and in the greater metropolitan
munity.

you know, I have been, I am an advocate of increased community control. I
concerned that the people of our city are more closely involved in the
ration of their schools. However, I am concerned that we do not let this
cure what is one of the most vital issues in education in this country
ay.

1968 the Kerner Commission warned this nation that we are moving toward two
arate and unequal societies — one black and one white. I ask that we join
ether in refusing to accept this as inevitable. We can reverse this trend
we have the courage and foresight to take affirmative action <u>now</u> by
rganization of our school districts <u>to achieve integration</u>.

Appendix I



EXAMPLE A

SCHOOL	TOTAL[1] STUDENTS	MINORITY	PERCENT	MEDIAN[2] INCOME (1965)
King	12,661	12,174	96.15	4,340
Southeastern	14,896	10,379	69.65	5,190
Grosse Pointe	13,019	34	.26	15,600
St. Clair Shores	15,423	96	.62	9,470
	55,999	22,683	40.50	

[1]Detroit Board of Education and State Department of Education

[2]Detroit Regional Transportation and Land Use Study (TALUS)

Appendix III

EXAMPLE B

SCHOOL	TOTAL[1] STUDENTS	MINORITY	PERCENT	MEDIAN[2] INCOME (1965)
Northeastern	12,435	11,272	90.64	4,020
Northern	11,626	11,366	97.76	4,030
Rantranck	3,319	1,031	31.06	5,160
Pershing	13,100	7,016	53.55	7,060
Hazel Park	18,018	64	.35	7,170
Madison Heights	4,888	63	1.28	8,250
	63,386	30,812	48.71	

EXAMPLE C

SCHOOL	TOTAL[1] STUDENTS	MINORITY	PERCENT	MEDIAN[2] INCOME (1965)
Highland Park	7,882	6,143	77.93	
Central	12,407	12,381	99.72	6,460
Mumford	12,377	11,026	89.08	10,150
Ferndale	8,171	894	10.94	7,670
Oak Park	6,209	554	8.92	10,050
Berkley	8,525	50	.58	7,930
Royal Oak	19,609	95	.48	9,140
	75,180	31,143	41.42	

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EXAMPLE D

SCHOOL	TOTAL[1] STUDENTS	MINORITY	PERCENT	MEDIAN[2] INCOME (1965)
Northwestern	16,763	15,690	93.59	5,920
Chadsey	7,443	3,759	50.50	4,980
Dearborn	21,799	243	1.11	8,500
Dearborn Hts. No. 7	5,436	102	1.87	9,290
Dearborn No. 8	5,520	1,940	35.14	9,290
Inkster	4,613	3,881	84.13	7,960
	61,574	25,615	41.60	

EXAMPLE E

SCHOOL	TOTAL[1] STUDENTS	MINORITY	PERCENT	MEDIAN[2] INCOME (1965)
Murray-Wright	15,785	10,916	69.15	5,480
Western	12,196	7,260	59.53	6,100
Southwestern	11,655	6,383	54.76	5,210
River Rouge	3,753	1,758	46.84	6,550
Melvindale	5,622	195	3.46	8,430
Allen Park	6,628	122	1.84	9,420
Ecorse	3,730	2,423	64.95	6,520
	59,369	30,057	50.62	

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NEW SCHOOLS & SCHOOL ADDITIONS

1960-1971

DEFENDANT'S EXHIBIT NN

Name	Date Authorized	Date Opened	Percent Black Racial Breakdown Auth.	Open	1970	Reason for Construction
HIGH SCHOOLS						
Chadsey	1959	1967	41.3	49.1	54.1	
Cooley	1969	---	59.0	---	76.2	
Finney	1959	1964	1.0*	0.8	36.6	Growth
Ford	1959	1963	0.0*	2.2	20.0	Addition
Kettering	1959	1965	60.0*	73.1	97.1	Growth
King	1959	1965	93.8+	98.8	99.8	Replacement
Northern	1970	---	98.9	---	98.9	
Murray-Wright	1959	1965	60.0*	60.0	95.3	Growth
Osborn	1959	1963	0.0*	2.6	14.0	Growth
Northwestern	1965	1971	88.5	99.9	99.9	Replacement
Redford	1969	---	2.3	---	2.8	Addition
Southwestern	1965	1970	76.6	74.3	74.3	
Western	1970	---	36.9	---	36.9	
JUNIOR HIGH SCHOOLS						
Beaubien	1959	1966	45.0*	61.5	99.0	Growth
Boynton	1969	---	99.0	---	99.6	
Brooks	1959	1962	0.0*	0.0	1.5	Facility
	1969	1971	1.0*	15.0		
Butzel	1959	1964	88.0*	91.8	93.1	Growth
Cerveny	1969	---	51.5	---	75.3	Improvement
Condon	1959	1963	90.0*	92.7	91.8	
Drew	1965	1970	25.0*	95.0	95.0	Growth
Earhart	1959	1965	10.0*	13.6	8.6	Replacement (Increase Integration)
Farwell	1959	1964	30.0*	21.8	67.8	Growth (Increase Integration)
Hampton	1965	1969	25.7	68.8	75.1	
Joy	1959	1964	75.0*	92.1	98.8	Growth
Keating (Now Robinson)	1969	---	99.8	---	93.7	
Knudsen	1959	1963	98.0*	98.7	98.9	Growth
Longfellow	1965	1970	99.7	99.6	99.6	
Lessenger	1959	1963	0.0*	0.0	8.3	Growth
McMillan	1959	1962	50.0*	53.2	48.1	
Murphy	1959	1963	0.0*	0.7	9.8	Growth
Noble	1965	1969	70.0	95.4	96.5	
Pelham	1959	1963	50.0*	69.1	99.5	Facility Improvement
Ruddiman	1959	1962	.5*	2.1	19.4	Facility Improvement
Spain	1959	1962	100.0	100.0	100.0	

* Figures are as estimated by Merle Henrickson

\+ Figure shown is for Eastern High School, predecessor of King High School

Name	Date Authorized	Date Opened	Percent Black Racial Breakdown Auth.	Open	1970	Reason for Construction
UNIOR HIGH SCHOOLS Cont'd.						
Taft	1959	1962	0.0*	0.0	0.7	Growth
Webber	1959	1963	99.0*	99.4	99.7	Growth
Wilson	1959	1963	2.0*	1.7	2.1	
Winterhalter	1965	1969	97.7	98.5	98.6	Growth
Winship	1959	1963	0.0*	0.0*	70.3	
LEMENTARY SCHOOLS						
Angell	1965	1969	99.2	99.8	99.9	Addition
Bagley	1966	1967	79.6	88.8	97.6	
Barton	1969	---	94.7	---	96.3	
Bell	1959	1964	99.0*	99.5	99.5	Growth
Berry	1959	1962	99.0*	99.0	99.4	Replacement
Biddle	1959	1964	99.0*	99.6	100.0	Growth
Birney	1962	1964	99.0*	99.6	98.9	Growth
	1965	1969	99.0*	98.9		
Bellevue	1959	1964	95.0*	96.1	98.4	Replacement
Campbell	1959	1963	100.0	100.0	98.9	Replacement
Carstens	1969	---	37.4	---	37.4	
Cary	1969	1971	65.5	60.0	60.0	
Chrysler	1959	1963	20.0*	50.0	45.0	Replacement
Clinton	1970	1970	97.0	97.0	97.0	
Cerveny-Stratford	1970	---	75.3	---	75.3	
Columbian Primary	1959	1964	97.0*	97.9	100.0	Replacement
Courtis	1965	1966	70.0*	85.7	98.1	Growth
Field	1959	1963	80.0*	83.0	90.1	Replacement
Fleming	1959	1962	0.0	0.0	2.0	Growth
Guest Primary	1969	1971	84.6	93.5	93.5	
Glaser	1965	1967	99.0*	100.0	100.0	Growth
Hampton	1959	1963	1.0*	8.9	75.1	
Harris	1959	1963	99.0*	99.4	99.2	Replacement
Howe	1959	1963	80.0*	93.2	99.3	
Ilene Primary	1969	1970	99.0*	99.1	99.1	
Jamieson	1959	1962	99.0*	99.8	99.9	Growth
Joffe	1962	1965	85.0*	84.8	98.6	Growth
Jones	1959	1963	90.0*	96.0	99.3	Replacement for Old Jones
Keidan	1959	1963	98.0*	98.7	99.9	Growth
King	1969	1970	81.1	99.8	99.8	Replacement
Lillibridge	1959	1964	40.0*	69.8	93.4	
Marxhausen	1969	1970	99.5	96.9	96.9	
Mark Twain	1959	1962	99.0*	99.6	99.7	Growth
Maybury	1969	1971	3.2	5.0*	2.9	
McGraw	1959	1963	99.2	99.8	94.7	Replacement of Old McGraw
Monteith	1959	1964	75.0*	77.7	89.5	

* Figures are as estimated by Merle Henrickson

Name	Date Authorized	Date Opened	Percent Black Racial Breakdown Auth.	Open	1970	Reason for Construction
ELEMENTARY SCHOOLS Cont'd.						
Monica	1969	1970	98.0*	98.4	98.4	
Norvell	1959	1964	99.0*	99.3	100.0	Replacement
Owen	1959	1963	43.0*	48.8	70.8	Replacement
Parker Primary	1970	---	79.4	---	79.4	
Sanders	1959	1965	98.0*	98.6	99.9	
Stark	1966	1969	83.0*	98.4	98.0	
Scripps	1959	1964	90.0*	93.9	98.59	Replacement
Stewart	1965	1970	99.0*	98.8	98.8	
St. Clair	1959	1964	93.0*	96.9	97.0	
Tendler	1959	1964	50.0*	63.5	88.0	Growth
Trombly	1970	1971	90.3	90.3	90.3	Addition
Turner	1965	1969	95.6	97.5	100.0	Growth
Vernor Primary	1966	1968	39.8	85.4	96.9	
Woodward	1959	1964	97.0*	98.6	98.8	Replacement
Yost	1959	1962	0.0	0.0	3.5	

* Figures are as estimated by Merle Henrickson

BLACK FACULTY IN DISTRICTS
WITHIN PLAINTIFFS' PROPOSAL

SOURCE: 1970-71 State School Survey (P.M. - 13)

District	Principals & Assistants #Black	Principals & Assistants %Black	Total Principals & Assistants	Teachers #Black	Teachers %Black	Total Faculty
Lake Shore (.4%)*	0	0	(15)	2	.6	(360)
Lake View (.0%)	0	0	(16)	0	0	(317)
Roseville (1.4%)	0	0	(30)	36	6.6	(548)
South Lake (.0%)	0	0	(12)	1	.5	(222)
(Southeastern) (79.6%)						
East Detroit (.0%)	0	0	(22)	2	.4	(513)
Grosse Pointe (.0%)	0	0	(25)	1	.2	(575)
(King) (96.3%)						
Centerline (.1%)	0	0	(12)	1	.4	(284)
Fitzgerald (.0%)	0	0	(8)	0	.0	(245)
Van Dyke (.0%)	0	0	(15)	0	0	(303)
(Northeastern) (89.5%)						
(Osborn) (22.8%)						
Frazer (.0%)	0	0	(15)	0	0	(284)
Warren (.2%)	0	0	(62)	1	.1	(1269)
Harper Woods (.0%)	0	0	(5)	0	0	(88)
Warren Woods (.0%)	0	0	(17)	1	.2	(415)
(Denby) (4.4%)						
(Finney) (55.3%)						
(Kettering) (21.4%)						
Clawson (.0%)	0	0	(10)	0	0	(192)
Hamtramck (28.7%)	0	0	(5)	14	12.5	(112)
Langhere (.0%)	0	0	(12)	0	0	(287)
Madison Heights (.1%)	0	0	(9)	0	0	(208)
Troy (.1%)	0	0	(15)	3	1.0	(312)
(Pershing) (61.2%)						

*Percent Black Students

District	Principals & Assistants		Total Principals & Assistants	Teachers		Total Faculty
	#Black	%Black		#Black	%Black	
Birmingham (.0%)	0	0	(38)	4	.5	(753)
Hazel Park (.0%)	0	0	(17)	4	1.3	(302)
Highland Park (65.1%)	11	58	(19)	152	43.9	(346)
Royal Oak (.0%)	0	0	(34)	5	.6	(790)
(Murray) (75.6%)						
Berkley (.1%)	0	0	(17)	0	0	(376)
Ferndale (9.5%)	3	19	(16)	44	12.8	(344)
Southfield (.2%)	0	0	(36)	3	.4	(754)
(Central) (98.7%)						
Redford Union (.0%)	0	0	(14)	1	.3	(381)
Oak Park (10.1%)	1	7	(14)	22	8.6	(256)
Bloomfield Hills (.4%)	0	0	(24)	3	.7	(404)
West Bloomfield (.0%)	0	0	(10)	0	0	(200)
(Furd) (25.1%)						
(Hanford) (94.2%)						
Clarenceville (.0%)	0	0	(11)	0	0	(158)
Farmington (.1%)	0	0	(33)	0	0	(676)
(Cooley) (75.7%)						
(Redford) (3.3%)						
Livonia (.0%)	0	0	(77)	8	.5	(1487)
South Redford (.0%)	0	0	(16)	1	.3	(346)
(Coly) (10.7)						
(Mackenzie) (93.1)						

District	Principals & Assistants		Total Principals & Assistants	Teachers		Total Faculty
	#Black	%Black		#Black	%Black	
Crestwood (.0%)	0	0	(9)	0	0	(205)
Dearborn (.0%)	0	0	(44)	2	.2	(1001)
Dearborn Heights (.0%)	0	0	(10)	0	0	(245)
Fairlane (.0%)	0	0	(3)	0	.0	(47)
Garden City (.0%)	0	0	(23)	0	0	(476)
N. Dearborn Hgts. (.0%)	0	0	(7)	0	0	(115)
(Northwestern) (99.3%)						
Cherry Hill (.3%)	0	0	(9)	1	.6	(179)
Inkster (88.0%)	9	82	(11)	132	80.0	(165)
Wayne (.1%)	0	0	(52)	8	.9	(887)
Westwood (39.9%)	4	40	(10)	45	23.8	(181)
(Chadsey) (44.7%)						
Ecorse (50.8%)	5	55	(9)	80	45.2	(177)
Romulus (16.3%)	1	.1	(12)	49	21.6	(227)
Taylor (1.5%)	0	0	(36)	8	1.1	(723)
(Western) (45.6%)						
River Rouge (43.2%)	4	57	(7)	74	43.3	(171)
Riverview (.0%)	0	0	(8)	0	0	(174)
Wyandotte (.0%)	0	0	(14)	0	0	(318)
(Southwestern) (44.54%)						
Allen Park (.2%)	0	0	(13)	1	.4	(241)
Lincoln Park (.0%)	0	0	(21)	0	0	(241)
Melvindale (.0%)	0	0	(11)	0	0	(245)
Southgate (.0%)	0	0	(18)	0	0	(502)
(Northern) (99.1%)						

District	Principals & Assistants		Total Principals & Assistants	Teachers		Total Faculty
	#Black	%Black		#Black	%Black	
Detroit (63.8%)	183	28	(644)	4464	41.3	(10818)

District	Principals & Assistants		Total Principals & Assistants	Teachers		Total Faculty
	#Black	%Black		#Black	%Black	
Detroit	183	28	(644)	4464	41.5	(10[illegible])
Totals	221	12.33	(1792)	5171	16.47	(31,38)

Va 111

P.M. 12

PLAINTIFFS' PROPOSAL

SOURCE: 1970-71 State Racial Ethnic Census, Tri-County Area; October 1970
Detroit Racial Census

District	Total Students	Total Black Students	Percent Black Students
Cluster 1			
Lakeshore	9,566	34	.4
Lakeview	7,859	0	.0
Roseville	14,426	205	1.4
South Lake	5,341	0	.0
Detroit Southeastern	15,990	12,725	79.6
	53,180	12,964	24.3%
Cluster 2			
East Detroit	12,969	4	.0
Grosse Point	13,267	2	.0
Detroit King	10,495	10,107	96.3
	36,731	10,113	27.5%
Cluster 3			
Centerline	6,716	6	.1
Fitzgerald	5,398	0	.0
Van Dyke	7,258	0	.0
Detroit Northeastern	10,436	9,399	89.5
Detroit Osborn	11,584	2,645	22.8
	41,430	12,050	29.1
Cluster 4			
Fraser	7,652	1	.0
Harper Woods	1,832	0	.0
Warren	31,815	50	.2
Warren Woods	9,231	1	.0
Detroit Denby	9,631	421	4.4
Detroit Finney	15,350	8,486	55.3
Detroit Kettering	17,866	16,339	91.4
	93,477	25,298	27.0

District	Total Students	Total Black Students	Percent Black Students
Cluster 5			
Clawson	5,008	0	.0
Eastrenck	2,843	816	28.7
Lamphere	5,851	1	.0
Madison Heights	4,648	5	.1
Troy	6,435	6	.1
Detroit Pershing	14,690	9,436	64.2
	39,553	10,262	26.0
Cluster 6			
Birmingham	16,912	7	.0
Hazel Park	7,668	1	.0
Highland Park	7,708	6,556	85.1
Royal Oak	18,583	5	.0
Detroit Murray	9,564	7,042	73.6
	60,635	13,611	22.4
Cluster 7			
Berkley	8,196	9	.1
Ferndale	8,139	770	9.5
Southfield	16,333	8	.2
Detroit Central	13,491	13,448	99.7
	46,159	14,235	30.8
Cluster 8			
Bloomfield Hills	9,461	41	.4
Oak Park	5,524	583	10.1
Redford Union	9,382	2	.0
West Bloomfield	4,967	1	.0
Detroit Ford	10,661	2,680	25.1
Detroit Mumford	11,884	11,190	94.2
	51,079	14,472	27.8

District	Total Students	Total Black Students	Percent Black Students
Cluster 9			
Clarenceville	3,032	0	.0
Farmington	16,367	20	.1
Detroit Cooley	19,287	13,907	
less:Cadillac JHS & 1/5 Cooley	-4,250	-2,526	75.7
Detroit Redford	15,149	503	3.3
	50,385	11,904	23.6
Cluster 10			
Livonia	38,239	10	.0
South Redford	7,778	0	.0
Detroit Cody	15,534	1,666	10.7
Detroit Mackenzie	21,773	20,272	93.1
	83,324	21,948	26.3
Cluster 11			
Crestwood	5,436	0	.0
Dearborn	20,856	2	.0
Dearborn Heights	5,804	0	.0
Fairlane	1,121	0	.0
Garden City	13,669	0	.0
North Dearborn Heights	2,609	0	.0
Detroit Northwestern	14,876	14,771	99.3
	64,251	14,773	22.9
Cluster 12			
Cherry Hill	4,627	16	.3
Inkster	4,311	3,795	88.0
Wayne	23,218	30	.1
Westwood	4,961	1,980	39.9
Detroit Chadsey plus Cadillac JHS & 1/5 Cooley	5,998	2,053	
	4,250	2,526	44.7
	43,420	10,400	23.0

District	Total Students	Total Black Students	Percent Black Students
Cluster 13			
Ecorse	4,200	2,135	50.8
Romulus	5,801	958	16.5
Taylor	20,723	301	1.5
Detroit Western	11,728	5,337	45.6
	42,452	8,731	20.5
Cluster 14			
River Rouge	3,675	1,588	43.2
Riverview	3,790	1	.0
Wyandotte	8,278	2	.0
Detroit Southwestern	11,183	4,981	44.54
	26,926	6,572	24.4
Cluster 15			
Allen Park	6,324	11	.2
Lincoln Park	11,559	1	.0
Melvindale	5,476	1	.0
Southgate	9,300	1	.0
Detroit Northern	9,704	9,616	99.1
	42,363	9,630	22.7
TOTALS	780,090	197,313	25.3
	774,000		26.0

P.M. 19

Approximation of Recent Transportation Figures

Source: Metropolitan One-Way Student Movement Plan, Tables 12-14, pp. 31-35 (1969-70 Data)
Exhibit 1, Wagner Deposition (1969-70 Data)
Answers to Subpoenas or Interrogatories supplied by Local School Districts (1970-71 or 1971-72 Data).
An asterisk (*) indicates that the current source of information was used.

Key. Buses: includes chartered, leased and owned vehicles with capacity of 31 or more passengers.
Vans: includes chartered, leased and owned vehicles with less than 31 passenger capacity. These figures are indicated by parentheses.
Number after the hyphen(-) represents capacity of each vehicle.

Total Students Transported: excludes all children transported by private car pools, privately leased buses, or public transit authorities; except the figures for Detroit and Grosse Pointe include estimates of riders by public transit.

Total Cost: (annual total cost) excludes out-of-pocket expenses by private individuals to pay for bus fares, the costs of private car or private charter bus transportation, and in many instances, annual depreciation costs.

Note: Two school districts (Woodhaven and Mt. Clemens) are missing from the data.

Approximation of Recent Transportation Figures

School District	Buses (Vans)	Total Students Transported	Total Cost
Detroit*	182-50 15-54	75,840[1]	$2,929,252.91
Lakeshore*	9-55 (4-08)	495	60,000.00
Lakeview*	3-66 3-54 (3-08)	500	53,085.00
Roseville*	7-60 4-66 3-36	1,194	126,000.00
South Lake*	7-54 (4-12)	1,669	69,732.00
Grosse Pointe*	(8-13 to 18)	1,314[2]	57,132.00
East Detroit*	3-44 2-36 2-32 (1-12) (2-18) (1-28)	193	148,200.00
Centerline*	2-60 9-72 (1-10) (1-22) (1-28)	1,834	126,685.00
Fitzgerald*	8	900	72,000.00
Van Dyke*	10-66 1-54 2-44 (2-09)	3,750	170,194.00

[1]Includes students riding D.S.R.. Excludes Title I students riding 15 buses owned by the Detroit Public Schools.

[2]Includes 1200 students who use SEMTA public transportation.

School District	Buses (Vans)	Total Students Transported	Total
Fraser	15	2,893	
Harper Woods*	--	9	
Warren*	52-73 (19-20)	7,273	
Warren Woods*	2-54 7-73 (2-22) (1-11)	1,550	
Clawson*	(4-08)	32	
Hamtramck*	1-44 (1-22) (1-12)	46	
Lamphere*	2-72 9-66 (2-08) (1-12)	1,505	
Madison Heights*	3-60 (1-12)	151	
Troy*	29-66 (18-20)	4,690	
Birmingham*	62-66 2-36 (10-08)	5,263	
Hazel Park*	1-60 2-54 (1-09) (1-12)	255	
Highland Park	3-60 2-66 (2-10)	151	
Berkley*	--	171	
Ferndale*	1-73 1-66 (1-20) (2-12) (1-05) (1-09)	240	

School District	Buses (Vans)	Total Students Transported	Total Cost
Royal Oak*	2-44 3-40 (2-10)	137	31,200.00
Southfield*	45-60 15-73	10,116	544,486.00
Bloomfield Hills	46	7,663	316,103.00
Oak Park*	9-60 2-66 (1-30)	815	63,500.00
Redford Union*	20-60	2,953	202,726.00
West Bloomfield	18	2,480	146,665.00
Clarenceville	12	1,997	59,668.00
Farmington	55	7,176	274,420.00
Livonia	80	16,145	525,442.00
South Redford	20	3,422	63,390.00
Crestwood*	3-66 5-60 (1-17)	1,312	26,396.00
Dearborn*	10-48 (1-12)	390	96,594.00
Dearborn Heights*	1-48 (1-17)	65	32,574.00
North Dearborn Heights*	4-66 (1-12)	750	33,544.00
Fairlane	8	1,225	39,100.00
Garden City*	6-66 5-54 (3-16)	1,709	86,813.00
Cherry Hill*	2-66 1-48 (1-12)	50	16,000.00

School District	Buses (Vans)	Total Students Transported	Tot
Inkster*	12-60 1-36 (2-16)	839	111,3
Wayne*	24-60 4-66 10-78 8-72 1-62 (4)	5,836	408,5
Westwood*	1-64 1-55 (1-12) (1-05)	137	31,3
Ecorse*	--	38	19,2
Romulus	40	4,747	219,4
Taylor*	1-42 2-54 55-66 (9-12)	13,243	515,1
River Rouge*	--	34	18,4
Riverview*	5-66 1-72	2,522	62,2
Wyandotte*	1-48 1-60 1-66 1	155	11,7
Allen Park*	3-54 3-48	351	37,4
Lincoln Park*	5	180	44,9
Melvindale*	10-60	1,398	56,0
Southgate	11	1,034	30,7
Trenton*	7-72 2-60 (1-20) (1-08)	1,645	114

School District	Buses (Vans)	Total Students Transported	Total Cost
Gross Ile	18	2,274	83,337.00
Van Buren	52	5,933	263,388.00
Woodhaven	data unavailable	1,455	68,773.00
Huron	20	2,245	104,701.00
Gibralter	14	2,090	114,057.00
Flat Rock	5	533	20,500.00
Northville	15	1,703	76,793.00
Plymouth	31	4,752	171,788.00
Novi	11	1,473	42,873.00
Walled Lake	50	9,082	269,433.00
Avondale	15	2,841	76,124.00
Pontiac	25	3,299	117,185.00
Holly	26	2,448	133,659.00
Brandon	12	1,454	49,139.00
Waterford	52	8,951	261,373.00
Lake Orion	42	4,827	173,062.00
Oxford	18	1,928	115,675.00
Rochester	40	5,542	203,529.00
Clarkston	31	4,202	161,743.00
Huron Valley	38	5,066	239,522.00
South Lyon	20	2,267	100,145.00
Utica	88	10,583	539,828.00
Chippewa Valley	19	2,253	92,191.00
Clintondale	9	1,633	70,250.00

School District	Buses (Vans)	Total Students Transported	Total Cost
Mt. Clemens	data unavailable	1,214	130,845.00
Anchor Bay	18	2,256	113,391.00
Richmond	12	1,346	69,453.00
Romeo	25	2,553	114,650.00
L'Anse Creuse	41	6,680	319,174.00
Armada	14	1,045	66,006.00
New Haven	12	1,149	45,180.00
GRAND TOTAL**	1,822 (126)	307,559	$14,764,068.96

**The 1969-70 county tally record showed that 199,195 pupils were transported by 1783 buses in school districts eligible for reimbursement in the tri-county area. See Table 15, p. 35, Metropolitan One-Way Student Movement and Reassignment Plan. In school districts receiving state aid in Wayne County, 32.62% of the pupils were transported by school bus; in Oakland County 50%; in Macomb County 42.05%. (See Metropolitan One-way Student Movement and Reassignment Plan pp. 31-34)

1972 PA 246
Approved August 3, 1972

STATE OF MICHIGAN

76TH LEGISLATURE

REGULAR SESSION OF 1972

Introduced by Senator Zollar for the Appropriations Committee

Enrolled Senate Bill No. 1140

AN ACT to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending June 30, 1973; to provide for the expenditure of such appropriations; and to provide for the disposition of fees and other income received by various state agencies.

The People of the State of Michigan enact:

Sec. 1. There is appropriated for the department of education and certain state purposes related to education herein set forth, from the general fund of the state, for the fiscal year ending June 30, 1973, the sum of $36,936,450.00 or as much thereof as may be necessary for the several purposes and in the following respective amounts:

DEPARTMENT OF EDUCATION	For Fiscal Year Ending June 30, 1973
State Board of Education	
The major objective of the state board of education is to coordinate departmental operations and provide leadership to the task of fulfilling departmental objectives. This component program encompasses the policy formulation and execution activities of the department. It includes the state board of education, the junior and community college advisory board, the state tenure commission, the superintendent, his deputy, the executive secretary to the board, the chief administrators of the various bureaus and their immediate staff. State board of education (8 members not to exceed 75 days)	$ 36,750.00

State tenure commission per diem (5 members not to exceed 40 meeting days at $45.00 per day)	$	9,000.00
Junior and community college board per diem (8 members not to exceed 30 meeting days at $45.00 per day)		10,800.00
Superintendent of public instruction ($5,000.00 to be paid from federal funds)		39,550.00
Deputy superintendent		31,650.00
Salaries and wages—not to exceed 46 positions (including 1 position for school bus safety at $20,000.00)		688,200.00
Longevity and insurance		29,800.00
Retirement		49,500.00
Contractual services, supplies and materials		181,900.00
Equipment		4,000.00
Subtotal	$	1,081,150.00
Less:		
Elementary and secondary education act, title V	$	436,400.00
Elementary and secondary education act, title II		7,300.00
Elementary and secondary education act, title III		20,800.00
Vocational education act of 1963		5,000.00
Vocational rehabilitation administration act		29,000.00
Subtotal	$	582,650

Education Data Center

Provides for the coordination, development and operation of automated information systems.

Salaries and wages—not to exceed 39 positions	$	418,900.00
Longevity and insurance		20,600.00
Retirement		47,200.00
Contractual services, supplies and materials		255,900.00
Equipment		800.00
Subtotal	$	743,400.00
Less:		
Elementary and secondary education act, title III	$	51,800.00

		For Fiscal Year Ending June 30, 1973
Elementary and secondary education act, title V	$ 316,900.00	
Vocational rehabilitation administration act	60,000.00	
Social security trust fund	35,000.00	
Subtotal		$ 279,700.00
Department Services		
This program consists of those activities relating to financial administration of the department and local school districts.		
Salaries and wages—not to exceed 60 actual positions	$ 670,100.00	
Longevity and insurance	35,200.00	
Retirement	65,300.00	
Contractual services, supplies and materials	224,200.00	
Equipment	5,800.00	
Subtotal	$ 1,000,600.00	
Less:		
Elementary and secondary education act, title I	$ 69,300.00	
Elementary and secondary education act, title V	124,800.00	
Elementary and secondary education act, title III	27,400.00	
Vocational rehabilitation administration act	195,200.00	
Subtotal		$ 583,900.00
School Management		
This program consists of certain management services to local districts, including administration of the school bond loan program, the national school lunch program for public schools, transportation and school plant planning services, as well as school district organization affairs.		
Salaries and wages—not to exceed 35 actual positions	$ 478,600.00	
Longevity and insurance	20,400.00	
Retirement	21,100.00	
Contractual services, supplies and materials	43,500.00	
Equipment	600.00	
Grants for school lunch program	20,104,500.00	
Subtotal	$ 20,668,700.00	

		For Fiscal Year Ending June 30, 1973
Less:		
Elementary and secondary education act, title V	$ 61,500.00	
School bond loan fees	72,800.00	
National school lunch act	19,288,000.00	
Subtotal		$ 1,246,400
Research and Education Planning		
This program is to develop and coordinate education research programs. Its activities include sponsoring, directing and coordinating research activities in the various school districts and providing support services to enhance program accomplishments of the department, and administer, evaluate and publish assessment and basic skills program data.		
Salaries and wages—not to exceed 18 actual positions	$ 349,300.00	
Longevity and insurance	11,900.00	
Retirement	26,800.00	
Contractual services, supplies and materials	431,700.00	
Equipment	2,200.00	
Evaluation of state compensatory education funds (not to exceed 6 positions)	112,500.00	
Administration and evaluation of the community school program (not to exceed 1 position)	20,000.00	
Indian education program	20,000.00	
Grants for Indian education	50,000.00	
Subtotal	$ 1,024,400.00	
Less:		
Elementary and secondary education act, title I	$ 36,300.00	
Elementary and secondary education act, title III	44,800.00	
From section 31 of the school aid act	112,500.00	
Elementary and secondary education act, title V	66,400.00	
Johnson-O'Malley act	50,000.00	
Vocational education act of 1963	82,600.00	
From section 96 of the school aid act	20,000.00	
Subtotal		$ 611,80

		For Fiscal Year Ending June 30, 1973
Educational Audit and Improvement		
This program examines the nature and quality of existing educational programs in the state, assesses their goals and achievements and provides evaluation of discontinuance or improvement. This program includes administration of driver education and the community school programs.		
Salaries and wages—not to exceed 11 positions	$ 267,900.00	
Longevity and insurance	10,400.00	
Retirement	900.00	
Contractual services, supplies and materials	95,100.00	
Driver education program	5,000,000.00	
Grants to neighborhood education centers.. (Each school district shall be eligible for and may apply for a grant from the department for a neighborhood education center. The state board of education shall promulgate rules relative to carrying out this requirement.)	70,000.00	
Subtotal	$ 5,444,300.00	
Less:		
Driver education fees	$ 5,108,300.00	
Subtotal		$ 336,000.00
Elementary and Secondary Grants Program		
This program provides regulatory control of state and federal funds appropriated under this component program.		
Salaries and wages—not to exceed 52 positions	$ 761,600.00	
Longevity and insurance	32,300.00	
Retirement	83,900.00	
Contractual services, supplies and materials	462,300.00	
Equipment	25,800.00	
Grants for federal national defense education act, title V-A	383,200.00	
Grants for federal national defense education act, title III	2,127,300.00	
Grants for federal elementary and secondary education act, title I	52,153,500.00	
Grants for migrant education under federal elementary and secondary education act, title I	3,275,800.00	

			For Fiscal Year Ending June 30, 1973
Grants for federal elementary and secondary education act, title III		$ 4,109,000.00	
Subtotal		$ 63,414,700.00	
Less:			
National defense education act, title III		2,212,700.00	
National defense education act, title V-A		611,000.00	
Elementary and secondary education act, title I		52,594,400.00	
Elementary and secondary education act, title III		4,380,700.00	
Elementary and secondary education act, title V		65,300.00	
Elementary and secondary education act, title I—migrant		3,492,300.00	
Elementary and secondary education act, title I—follow through		30,100.00	
Subtotal			$ 23,200,0
Special Education			
The objective of special education is to encourage the establishment of compensatory programs in intermediate and local school districts and state operated institutions for the physically handicapped, the hard of hearing, the mentally retarded, the emotionally disturbed and those suffering from speech and sight disabilities.			
Salaries and wages—not to exceed 22 actual positions	$	335,300.00	
Longevity and insurance		12,900.00	
Retirement		15,000.00	
Contractual services, supplies and materials		58,600.00	
Equipment		1,000.00	
Day care training centers (transferred from department of mental health)		4,428,900.00	
Grants for federal elementary and secondary education act, title VI		1,488,000.00	
Subtotal	$	6,339,700.00	
Less:			
Elementary and secondary education act, title VI	$	1,591,700.00	
Social security act		1,552,500.00	
Subtotal			$ 3,195,500

	For Fiscal Year Ending June 30, 1973	
Michigan School for the Blind		
The major objective of the school for the blind is to provide a K-12 educational program for blind and partially sighted children for whom there is no suitable program at the local school district level.		
Salaries and wages — not to exceed 184 actual positions	$ 1,974,000.00	
Longevity and insurance	96,300.00	
Retirement	108,000.00	
Contractual services, supplies and materials	272,000.00	
Equipment	24,000.00	
Special maintenance	17,500.00	
Intern program	35,000.00	
Grants for midwest regional center	437,000.00	
Subtotal	$ 2,963,800.00	
Less:		
Elementary and secondary education act, title VI	$ 437,000.00	
Subtotal		$ 2,526,800.00
Michigan School for the Deaf		
The major objective of the school for the deaf is to provide a K-12 educational program for children who have hearing losses sufficiently great to make education in locally operated, regular classrooms unprofitable.		
Salaries and wages — not to exceed 201 actual positions	$ 2,201,000.00	
Longevity and insurance	105,700.00	
Retirement	108,000.00	
Contractual services, supplies and materials	287,000.00	
Equipment	35,000.00	
Special maintenance	42,000.00	
Subtotal		$ 2,778,700.00
Library Services		
The objectives of library services is to offer consultant and technical services to library systems throughout the state in order to assist local library systems to render quality library services to all of Michigan's citizens.		

	For Fiscal Year Ending June 30, 1973	
Salaries and wages — not to exceed 141 actual positions	$ 1,413,700.00	
Longevity and insurance	61,400.00	
Retirement	136,300.00	
Contractual services, supplies and materials	767,800.00	
Equipment	9,500.00	
Michigan library for the blind	31,000.00	
Grants for local library periodical programs	200,000.00	
Grants for state aid to local libraries	1,925,000.00	
Grants for federal library services and construction act, title I	541,800.00	
Grants for federal library services and construction act, title II	281,700.00	
Grants for federal library services and construction act, title III	65,100.00	
Grants for federal elementary and secondary education act, title II	4,083,700.00	
Subtotal	$ 9,517,000.00	
Less:		
Library services and construction act, title I	$ 1,776,200.00	
Library services and construction act, title II	281,700.00	
Library services and construction act, title III	62,400.00	
Elementary and secondary education act, title II	4,245,500.00	
Subtotal		$ 3,151,200
Vocational Education		
The objective of vocational education is to coordinate basic vocational education programs in the public secondary school and community college sector.		
Salaries and wages — not to exceed 61 positions	$ 964,600.00	
Longevity and insurance	36,100.00	
Retirement	77,400.00	
Contractual services, supplies and materials	183,200.00	
Equipment	7,900.00	
Grants to school districts	18,989,800.00	
Subtotal	$ 20,259,000.00	

		For Fiscal Year Ending June 30, 1973
Less:		
Vocation education act of 1963	$ 18,512,100.00	
From section 61 of the school aid act	44,900.00	
State advisory council	95,900.00	
Subtotal		$ 1,606,100.00
Rehabilitation Services		
The objective of rehabilitation services is to establish and administer programs which assist and encourage handicapped citizens to develop and improve their skills and abilities so that they may become employable.		
Management Services		
Salaries and wages — not to exceed 89 positions	$ 1,248,900.00	
Longevity and insurance	53,000.00	
Retirement	136,300.00	
Contractual services, supplies and materials	423,700.00	
Equipment	69,200.00	
Subtotal	$ 1,931,100.00	
Rehabilitation Facilities Development		
Salaries and wages — not to exceed 8 positions	$ 116,800.00	
Longevity and insurance	4,600.00	
Retirement	13,500.00	
Contractual services, supplies and materials	7,100.00	
Facility grants	2,570,000.00	
Subtotal	$ 2,712,000.00	
Michigan Commission of Employment of the Handicapped		
Salaries and wages — not to exceed 3 positions	$ 42,500.00	
Longevity and insurance	1,800.00	
Retirement	4,600.00	
Contractual services, supplies and materials	8,300.00	
Subtotal	$ 57,200.00	
Community Rehabilitation Services		
Salaries and wages — not to exceed 237 positions	$ 2,225,800.00	
Longevity and insurance	79,400.00	
Retirement	159,200.00	

		For Fiscal Year Ending June 30 1973
Contractual services, supplies and materials	$ 261,200.00	
Grants to clients	4,325,300.00	
Subtotal	$ 7,050,900.00	
Special Impact Programs (Including disabled, disadvantaged, youth services, mental health, public offenders, workmen's compensation and social security, but excluding alcoholism and drug addiction.)		
Salaries and wages — not to exceed 436 positions	$ 3,644,700.00	
Longevity and insurance	104,100.00	
Retirement	358,400.00	
Contractual services, supplies and materials	281,800.00	
Grants to clients	5,731,700.00	
Cooperative agreements	1,058,500.00	
Subtotal	$ 11,179,200.00	
Subtotal Rehabilitation Services	$ 22,930,400.00	
Less:		
Vocational rehabilitation administration act	$ 18,172,900.00	
Social security trust fund	1,348,500.00	
Cash contributions	93,500.00	
Local matching	100,000.00	
Subtotal		$ 3,215,500
Disability Determination Service		
The objective of disability determination is to process applications for disability insurance benefits provided under the terms of federal social security legislation.		
Salaries and wages — not to exceed 223 actual positions	$ 2,478,800.00	
Longevity and insurance	94,600.00	
Retirement	319,700.00	
Contractual services, supplies and materials	1,835,900.00	
Equipment	105,600.00	
Subtotal	$ 4,834,600.00	
Less:		
Social security trust fund	4,834,600.00	
Subtotal		$ -0-

		For Fiscal Year Ending June 30, 1973
State Technical Institute and Rehabilitation Center		
The institute is to provide the necessary vocational training and rehabilitative support services to its student body to enable them to make a successful adjustment to productive employment.		
Salaries and wages — not to exceed 101 actual positions	$ 1,330,900.00	
Longevity and insurance	71,100.00	
Retirement	56,400.00	
Contractual services, supplies and materials	227,900.00	
Equipment	3,600.00	
Training service grants	225,000.00	
Subtotal	$ 1,914,900.00	
Less:		
Vocational rehabilitation administration act	$ 1,388,800.00	
Student fees	30,600.00	
Subtotal		$ 495,500.00
Higher Education Planning		
The objective of this unit is to establish and maintain a program of statewide planning and coordination for public higher education including all post-secondary educational programs, and to administer the implementation of rules and regulations relative to the disbursement of federal funds for post-secondary education.		
Salaries and wages — not to exceed 11 positions	$ 139,600.00	
Longevity and insurance	6,000.00	
Retirement	13,000.00	
Contractual services, supplies and materials (including $19,000.00 for research)	56,300.00	
Equipment	700.00	
Subtotal	$ 215,600.00	
Less:		
Higher education facilities act	$ 60,300.00	
Comprehensive planning	56,000.00	
Subtotal		$ 99,300.00

For Fiscal Ye
Ending June 3
1973

Certification and Teacher Education

The objective of this component is to administer the implementation of rules and regulations relative to teacher training programs and the certification of qualified public school teachers.

Salaries and wages — not to exceed 19 actual positions	$ 174,000.00
Longevity and insurance	8,900.00
Retirement	10,600.00
Contractual services, supplies and materials	40,000.00
Equipment	1,600.00
Grants for federal education professions development act	176,400.00
Subtotal	$ 411,500.00
Less:	
Elementary and secondary education act, title V	$ 135,500.00
Education professions development act	181,900.00
Vocational education act of 1963	7,600.00
Subtotal	$ 86,500

Financial Aid to Students

The objective of financial aid to students is to administer the various state and federal student aid programs in a manner consistent with their intent to provide sufficient financial assistance whereby citizens of the state need not be precluded from a higher education because of inadequate personal financial resources.

Salaries and wages — not to exceed 48 actual positions	$ 463,500.00
Longevity and insurance	18,800.00
Retirement	36,300.00
Contractual services, supplies and materials	112,700.00
Equipment	4,300.00
Grants for state competitive scholarships	8,166,000.00
Grants for state tuition grants to private college students	5,666,000.00
Grants for federal special education teacher traineeships	166,400.00

		For Fiscal Year Ending June 30, 1973
Grants for Michigan resident dental graduates (Act No. 219 of the Public Acts of 1969)	$ 194,400.00	
Grants for Michigan resident law graduates	80,000.00	
Subtotal	$ 14,908,400.00	
Less:		
Training teachers of handicapped funds	$ 200,000.00	
Subtotal		$ 14,708,400.00
Adult and Continuing Education		
The objective of this program is the coordination of all public education required to meet the occupational training and general education needs of adults who are not participants of regular formalized educational systems.		
Salaries and wages — not to exceed 32 actual positions	$ 460,800.00	
Longevity and insurance	17,400.00	
Retirement	48,600.00	
Contractual services, supplies and materials	63,900.00	
Equipment	2,600.00	
Apprenticeship training program — 16 actual positions and support costs	385,900.00	
Grants for apprenticeship programs	128,200.00	
Grants for manpower development and training act	4,960,000.00	
Grants for adult basic education	1,558,400.00	
Grants for higher education administration	255,900.00	
Subtotal	$ 7,881,700.00	
Less:		
Manpower development and training act	$ 5,110,000.00	
Veterans administration	243,400.00	
Adult basic education	1,702,100.00	
Higher education administration	280,900.00	
Subtotal		$ 545,300.00
TOTAL DEPARTMENT OF EDUCATION		$ 36,077,450.00

	For Fiscal Year Ending June 30, 1973
GRANTS TO EDUCATION RETIREMENT FUNDS	
General fund employees	$ 859,000.00
TOTAL GRANTS TO EDUCATION RETIREMENT FUNDS	$ 859,000
GRAND TOTAL	$ 36,936,000

Sec. 2. (a) The amounts appropriated shall be paid out of the treasury at such times and in such manner as is or may be provided by law.

(b) Each of the amounts appropriated shall be used solely for the purposes herein stated except as otherwise provided by law. To assure the and installation of a performance budgeting program and provide periodic interpretative financial data upon which intelligent legislative decisions be made, the appropriations contained in this act shall be allotted, where plicable, on the basis of component and subcomponent programs and expenditures shall be reported and recorded as per object code classifica and in conformance with section 12 of Act No. 51 of the Public Acts of the Extra Session of 1948, as amended, being section 18.12 of the Compiled L of 1948.

Notwithstanding the provisions of Act No. 95 of the Public Acts of 1965, sections 21.251 to 21.255 of the Compiled Laws of 1948, none of the m appropriated by this act shall be used to pay prior year's bills, obligation encumbrances.

(c) All fees and other moneys received by the various departments, missions, boards, agencies and offices, for whom appropriations are made by act, shall, except as otherwise provided by this act, or other acts, be pro forwarded to the state treasurer and credited to the general fund.

Sec. 3. Except as otherwise provided by law, whenever it shall appear any appropriation herein made for any department, instrumentality or ag of state government shall be exceeded before the expiration of the year for which made by reason of periodic allotments thereof, recommen for approval by the budget director to the state administrative board, wh continued to the end of the fiscal year, will exceed the amount of such appro tion, it shall be the duty of the head of such department, instrumentality agency, to bring the expenditures within the limits of the appropriations to such department, instrumentality or agency. The budget director, with approval of the state administrative board, is authorized at any time to m or adjust allotments for reasons of administrative efficiency, including determined by appointing authorities under section 5 of article 11 of the constitution.

A statement reflecting all reductions or adjustments in allotments made the authority of this section shall be detailed and forwarded to the appropria committees before March 1, 1973.

Sec. 4. Notwithstanding any other provisions of law, in any case wher continuing appropriation exists for any item or purposes under any law state, and wherein any appropriation is also contained in this act for t

m or purpose, this act shall supersede such continuing appropriation during the cal year ending June 30, 1973.

Sec. 5. Except as otherwise provided by law, wherever the amount herein propriated is less than the amount called for or required to be distributed existing law, the state official, or body responsible for the administration of particular appropriation shall reduce the payments under the appropriation de in this act upon a pro rata basis in such manner that such payments shall t exceed the appropriations herein contained.

Sec. 6. Whenever appropriations are made herein from restricted revenues, cluding federal and matching revenues but excepting direct federal pass-rough revenues to local governmental units, the amount to be expended from ch restricted revenue shall not exceed the amount herein appropriated or e amount paid in, together with any balances carried forward during the cal year ending June 30, 1973, whichever is the lesser. If matching revenues e received in an amount less than the appropriation contained herein, the eneral fund portion of the appropriation shall be reduced in proportion to the nount of matching revenue received. All restricted revenue received, including deral, matching and pass-through revenue, shall be detailed, by department d program, and forwarded to the appropriations committees before March 1973.

Sec. 7. No state agency shall establish new programs nor expand programs cluding any program involving federal or other funds, beyond the scope of ose already established, recognized and appropriated for by the legislature, ntil such program and the availability of money shall be submitted by each gency to the budget director for recommendation to the legislature and until ch program has been authorized and funds appropriated therefor by the egislature.

Appropriations under this act made in contemplation of matching federal or ther funds shall not be expended until federal or other matching funds are vailable. The acceptance of such funds does not obligate the state to continue rograms after the federal or other funds are no longer available. A report of he program, receipts and expenditures shall be furnished the chairmen of the enate and house appropriations committees and included in the annual budget ocument.

Sec. 8. On June 30, 1973, the balances of the appropriations made in this ct shall revert to the general fund, in accordance with the provisions of Act No. 5 of the Public Acts of 1965.

Sec. 9. The appropriations made under the provisions of this act for nclassified positions as specified by a line item appropriation, shall be used for uch positions. Incumbents of such positions in the executive branch of state overnment shall be eligible to participate in the state contributory insurance rograms on the same basis as classified employees.

All other acts or parts of acts to the contrary notwithstanding, it is the inten-ion of the legislature that those unclassified officials whose salaries are specified y his act shall receive the amount of salary herein specified.

The appropriations for salaries and wages shall be used only with respect o classified positions established by the civil service commission and none f the money appropriated herein shall be used to pay back salaries or wages any employee.

of the funds appropriated in this act shall be expended in payment of

salaries for new or additional positions, whether or not such new or additional positions are created by reallocations or by reclassifications, nor for any contractual contracts covering consultant services and contractual personnel unless the budget director certifies the moneys for these purposes were included within the funds appropriated.

By March 1 of each fiscal year an itemized report covering data on such contractual service contracts shall be furnished by the budget director to the senate and house appropriations committees.

Sec. 10. Intertransfers, authorized by section 6 of Act No. 2 of the Public Acts of 1921, being section 17.6 of the Compiled Laws of 1948, within appropriations for any particular department or institution shall not be made which will increase or decrease any item of appropriation by more than 3% or $10,000.00, whichever is greater, and in no case shall any item of appropriation be increased or decreased by more than $50,000.00 in the aggregate, nor shall any transfer be made into any salary and wage account.

No transfer of appropriation, other than those specified in the first paragraph of this section, shall be made unless and until approval of such transfer is first recommended by the state budget director and, while the legislature is in session is authorized by concurrent resolution or, when the legislature is not in session, approval is then secured from the special commission on appropriations created under the provisions of Act No. 120 of the Public Acts of 1937, as amended, being sections 5.1 to 5.5 of the Compiled Laws of 1948, any other law to the contrary notwithstanding.

All transfers made under this section shall be reported by the budget director within 30 days to the senate and house appropriations committees.

Sec. 11. From the appropriations herein made there is appropriated such sums of money as shall be necessary to meet the required assessments from specific accounts or sources to the civil service commission, to the state employees' or other retirement funds, and for other significant authorized fringe benefits such as longevity and insurance programs. It shall be the responsibility of each department head, in compliance with procedures established by the director, department of administration, to deposit in the appropriate fund an amount sufficient to meet the civil service and all employees' retirement fund assessments and the employers' cost of longevity and sponsored insurance programs for all funds received and expended from sources other than those appropriated herein.

Sec. 12. Any administrative services provided by department employees paid from funds appropriated by this act, in connection with the different insurance policies maintained by the civil service commission or any personnel administrative services which services by virtue of section 5 of article 2 of the state constitution are the responsibility of the civil service commission, shall be financed through a contract with the civil service commission. All revenues resulting from any such contracts shall be deposited in the general fund.

Sec. 13. When it appears to the governor, based upon written information received by him from the director and the department of treasury, that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, the estimates being as determined by the legislature in accordance with section 31 of article 4 of the state constitution, the governor shall make a finding that actual revenue for that fiscal period will fall below such revenue estimates. He shall then order the direct

to review all appropriations made by the legislature, except those made for the legislative and judicial branches of government or from funds constitutionally dedicated for specific purposes.

Based upon needs, the director shall recommend to the governor a reduction of expenditures authorized by such appropriations, either direct or open-ended, for that fiscal year. The governor shall review the recommendations of the director and shall prepare his order containing reductions in expenditures authorized by appropriations so that actual revenues for the fiscal period will be sufficient to equal such expenditures. The governor shall give not less than 5 days' written notice to the members of the appropriations committees of the house and senate specifying a time and place for a joint meeting of the governor and the 2 committees, at which the governor shall present to the committees his recommendations and copies of his proposed order.

Not later than 10 days after submission of the order to the committees, each committee by vote of a majority of its members elected and serving shall approve or disapprove the order. Approval of both appropriations committees is required before any expenditures authorized by appropriations shall be reduced. Upon approval by both appropriations committees, the director shall carry out and implement the order.

If either or both appropriations committees disapproves the order, the order is without force and effect. Not later than 30 days after any disapproval of a proposed order, the governor may give reasonable written notice to the members of the appropriations committees of the house and senate as to the time and place of a further joint meeting of the 2 committees at which time he shall resubmit an order reducing expenditures authorized by appropriations. Within 10 days of the receipt of such order by the appropriations committees, each committee shall by a majority vote of its members elected and serving, approve or disapprove the order. A copy of the order of the governor and resolutions of both the appropriations committees approving it shall be filed with the secretary of state and the order shall thereupon become effective.

Sec. 14. There is appropriated to the state school aid fund from the general fund of the state for the fiscal year ending June 30, 1973, such sum as may be necessary to pay the amount of state aid for schools as authorized by Senate Bill No. 1269 of 1972.

Sec. 15. The state shall pay annually upon application therefor to each accredited, nonpublic school of dentistry located within the state the sum of $2,400.00 for each doctor of dental surgery degree, or doctor of dental medicine, earned by a Michigan resident.

The state shall pay annually upon application therefor to each accredited school of law which is a unit of a nonpublic university located within the state the sum of $1,000.00 for each law degree (Juris Doctor, J.D.) earned that year by a Michigan resident not to exceed $80,000.00.

For the purpose of this act, a Michigan resident means a person who was a resident of the state at the time of his graduation from high school.

Sec. 16. Not less than 10 days prior to announcing the granting to recipients of state competitive scholarships or grants for state tuition grants to private colleges, the state department of education shall inform each legislator in writing of the names and the amount received by each recipient and private college within each legislator's legislative district.

Sec. 17. If a student receives a state competitive scholarship as authorized

by Act No. 208 of the Public Acts of 1964, as amended, he shall not be eligible to receive a tuition grant under Act No. 313 of the Public Acts of 1966, as amended, unless he is an undergraduate student and is currently receiving state funds from both acts. If during any academic year a student receiving a state competitive scholarship as authorized by Act No. 208 of the Public Acts of 1964 or a tuition grant as authorized by Act No. 313 of the Public Acts of 1966 shall enter the military service on active duty status his grant or scholarship shall be reinstated immediately after completion of such service, unless he receives benefits under the federal G. I. bill program.

It is the intent of the legislature that scholarship awards granted in accordance with the provisions of Act No. 208 of the Public Acts of 1964, as amended, being sections 390.971 to 390.980 of the Compiled Laws of 1948, shall be based upon a testing program which considers the full range of academic programs offered in secondary schools.

Sec. 18. The superintendent of public instruction shall submit to the appropriations committees of the legislature, by March 1 of every year, a summary report of the activities and studies of the bureau of research and educational planning.

The bureau of vocational rehabilitation shall file with the bureau of the budget and the appropriations committees of the legislature by March 1 of every year a report stating the program criteria of all programs and the evaluation of performance of these programs, also long-range objectives and implementation procedures for 4 additional years shall be contained in the annual report. The bureau shall assign not less than 8 positions to evaluation and assessment activities of vocational rehabilitation programs.

Sec. 19. All other acts to the contrary notwithstanding, the department of education shall disburse school aid to the department of corrections for membership pupils enrolled in K-12 programs. Notwithstanding any other provision of law, apportionments of state school aid for school districts maintaining school for the entire 12-month year shall be made by the department of education on or before May 15 of each fiscal year as required by law.

Sec. 20. In addition to the powers, duties and authority relative to the borrowing powers granted school districts in chapter 13 of Senate Bill No. 1[illegible] of 1972, it is the intent of the legislature that any notes issued shall be the full faith and credit obligations of the school districts and shall be paid from any funds of such school district not otherwise pledged.

Sec. 21. It is a condition of this appropriation that the superintendent of public instruction shall report the effectiveness of current driver education programs funded and administered by the education services program, establish and promulgate evaluation criteria and in consultation with the department of state police and the secretary of state make recommendations about evaluating and collecting data concerning the effects of these programs on road safety. The report shall be submitted to the legislature no later than September 1, 19[illegible]

Sec. 22. The superintendent of public instruction shall promulgate rules to require that all driver education programs funded and administered by the education services program accept all eligible students under 18 years of age within their district. Acceptance in any program of drivers education during the regular school year shall be without regard to a student's attendance at a public or private school.

Sec. 23. The higher education planning and coordination unit shall con[illegible]

research on higher education planning and management systems as a means of providing consistent and reliable information as required by the legislature and the executive office and shall submit a report to the appropriations committees of the legislature by March 1, 1973.

Sec. 24. The superintendent of public instruction shall submit by September 1, 1972 and every 6 months thereafter updated summary reports to the appropriations committees of the legislature on the effectiveness of manpower development training act programs, employment placement, retention history and duplication of effort.

Sec. 25. The appropriation of $20,000.00 contained in section 1 for the Indian education program shall be used to examine the education needs and related problems of Michigan Indian residents in the K-12 school years in active consultation with rural and urban Indian communities and to secure and coordinate distribution of available federal funds for Indian education in Michigan. The department shall submit to the legislature by April 1, 1973 a report of findings and recommendations concerning the currently unmet educational needs of Michigan Indian residents.

Sec. 26. The funds for the apprenticeship training program shall be allocated to the department of education in amounts equal to $305.00 per full year apprentice student not to exceed 1,900 students. From this amount the department shall pay each community college and K-12 school district participating in the program an amount equal to $75.00 for each full year apprentice student. Each participating community college or school district may charge each full year apprentice an annual fee not to exceed $60.00 per year for the purpose of purchasing supplies and materials essential to the program. Funds for this program received by the department from other sources shall be deducted from the amounts appropriated under this section.

Sec. 27. It is the intent of the legislature that, beginning in 1973-74 there shall be appropriated not to exceed $150,000.00 to be used by districts conducting extended school year programs approved by the department. The state board shall promulgate rules to implement this section.

Sec. 28. (a) Except as otherwise approved in the budgetary process or by the director of the management sciences group, state data centers will provide all required data processing services to user departments/agencies. Costs incurred to provide these services are to be financed by charges made to requesting agencies. Rates shall consist of direct charges only. Cost of consulting services, proprietary computer software packages from commercial vendors, studies, and other such indirect overhead costs shall not be included. Such rates and uniform billing procedures shall be established in conformance with section 12 of Act No. 51 of the Public Acts of the First Extra Session of 1948, as amended, being section 18.12 of the Compiled Laws of 1948. The department of administration shall provide to the legislature an annual fiscal detailed financial report of the data processing services purchased by all departments and agencies and services provided by state data centers no later than October 1, 1973.

(b) Purchase of proprietary computer software packages from commercial vendors must be approved by management sciences group before expenditure of any funds appropriated herein.

(c) Signing of new contracts or renewal of existing contracts with commercial vendors or with any agency other than a state data center which

involve consulting services related to management systems, or data processing services must be approved by the director of the management sciences group before expenditure of any funds appropriated herein.

(d) Approval of the director of management sciences group is required for all new configurations of ADP equipment or changes to existing configurations of ADP equipment before expenditure of any funds appropriated herein.

(e) Appointing authorities shall request a review and recommendation of the director of management sciences group prior to the hiring of data processing personnel above the number of full-time positions.

(f) All limitations on expenditures of data processing funds included herein are applicable regardless of funding source, other laws to the contrary notwithstanding.

(g) All the provisions contained herein are subject to review and approval, or disapproval, by the joint legislative committee on computers and data processing.

This act is ordered to take immediate effect.

Beryl I Kenyon
Secretary of the Senate.

Thos Thatcher
Clerk of the House of Representatives.

Approved _____

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Governor.

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1972 PA 225
APPROVED JULY 25, 1972

STATE OF MICHIGAN

76TH LEGISLATURE

REGULAR SESSION OF 1972

Introduced by Reps. Cawthorne, Bradley, Smart, McNeely and Holbrook

Enrolled House Bill No. 5840

AN ACT to provide for emergency financial assistance for insolvent school districts; to prescribe certain powers and duties of the intermediate board of education in connection therewith; to provide a procedure for reorganization of such school districts; to provide for continuance of the state committee on reorganization of school districts; to provide certain powers and duties of the state board of education in connection therewith; to create an emergency loan revolving fund; and to make an appropriation.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "School district" does not include an intermediate school district.

(b) "State board" means the state board of education.

Sec. 2. The procedures provided by this act may be used notwithstanding any other provision of law to the contrary.

Sec. 3. The board of education of a school district that incurs a deficit and is unable to meet its financial obligations and the fiscal conditions of which is attributable at least in part to annual collections on tax settlement day of less than 85% of ad valorem taxes levied by the district is eligible to apply for an emergency loan from the state. Such a district shall be considered an insolvent district.

Sec. 4. A school district to be eligible for an emergency loan shall certify, based upon a certified audit by the state treasury department, that the school district is insolvent.

Sec. 5. The board of education of a school district meeting the criteria set forth in section 4 may apply to the state board for an emergency loan to meet its financial needs until the end of the fiscal year in which application is made. If, after review, the state board of education finds that the district meets the criteria set forth in section 4, a recommendation for an emergency loan shall be submitted to the governor for review and recommendation to the legislature.

Sec. 6. The board of education of a school district eligible to receive an

emergency loan under the provisions of this act shall issue bonds in the amount of the emergency loan, made payable to the state, in equal installments, in not more than 10 years plus interest at the rate of 6% per annum beginning with the first fiscal year after receipt of the loan. The bonds shall be payable out of any funds of the school district including state appropriations available to the school district under any act. The amount due on the bonds with interest in any fiscal year shall be deducted in equal portions from the last 2 payments of state school aid due the school district in each fiscal year. The bonds shall also be the full faith and credit obligations of the school district and all taxable property within the school district shall be subject to the levy of ad valorem taxes to repay the principal and interest obtained under the bonds without limitation as to rate or amount. The board of education shall submit its budget for review and approval to the state department of education. This budget shall be a balanced budget and shall include a minimum repayment of 10% of the original face amount of the loan received under this act, plus interest at the statutory rate. The district shall submit a monthly expenditure report to the state department of education.

Sec. 7. However, any school district not levying a minimum of 20 mills for operating purposes in the calendar year for which it receives an emergency loan shall be reorganized by the state board of education following recommendation by the state committee on reorganization of school districts.

Sec. 8. The state department of education shall take any steps necessary to assure that the expenditures of a school district which receives an emergency loan under the provisions of this act shall not exceed revenues on an annual basis and that the school district maintains a balanced budget.

Sec. 9. If, upon application for an emergency loan, a board of education certifies that the school district will not be able to balance its budget, the district shall be reorganized by the state board of education following recommendation by the state committee on reorganization of school districts.

Sec. 10. A school district receiving an emergency loan under the provisions of this act shall balance its budget in the fiscal year immediately following the fiscal year for which it receives an emergency loan or, following recommendation by the state committee on reorganization of school districts, shall be reorganized by the state board of education.

Sec. 11. A school district receiving an emergency loan under the provisions of this act, which defaults in repayment of the loan, shall be reorganized by the state board of education following recommendation by the state committee on reorganization of school districts.

Sec. 12. Prior to reorganization of a school district under this act, the state committee on reorganization of school districts shall hold a hearing in the district to be reorganized. Notice of the time and place of the hearing shall be given the voters of all school districts involved in the proposed reorganization. The boards of education of the intermediate districts involved in the proposed reorganization shall make recommendations to the state committee regarding the proposed reorganization.

Sec. 13. Within 20 days after receipt of a transcript of the hearing and recommendations of the boards of education of the intermediate districts, the state committee on reorganization of school districts shall determine if conditions exist warranting reorganization of the district under this act. Upon determination by the state committee that conditions in a school district war

rant reorganization, the state committee shall transmit its report with recommendations to the state board of education.

Sec. 14. The state board of education shall publish the report and recommendations of the state committee on reorganization of school districts and shall invite objections or comments to be filed with it within 20 days following publication of the report. The state board then shall consider the report of the state committee, together with the comments and objections filed, and make a determination as to indorsement of the finding of the state committee.

Sec. 15. The state board, upon indorsement of the finding of the state committee on reorganization of school districts that reorganization of a school district is warranted, shall reorganize the district with 1 or more districts contiguous to it in such a manner as will provide the most equitable educational opportunity for all of the students of the reorganized district, and shall determine the effective date of reorganization. Action by the state board of education shall be final.

Sec. 16. If a school district attached under the provisions of this act at the time of reorganization has a bonded indebtedness incurred after December 8, 1932, its identity shall not be lost and its territory shall remain as an assessing unit for purposes of such bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the reorganized district. The board of the reorganized district, or the boards of districts receiving school buildings with an existing bonded debt shall constitute the board of trustees for the original district having a bonded indebtedness and the officers of the reorganized or successor district shall be the officers for the original district. If any original bonds of the reorganized district have been refinanced in any way, the state board of education shall make the final determination as to placement of the responsibility with the 1 or more boards of education receiving the buildings as to their responsibility in acting as the board of trustees for the original district. The board of each district assigned the responsibility as the board of trustees for any bonded indebtedness of the divided district shall certify and order the levy of taxes for the bonded indebtedness in the name of the original district.

Sec. 17. Any time after 3 years following the reorganization of a school district under this act, a district receiving a building having an existing bonded indebtedness and assuming the responsibilities set forth in section 16, may assume the obligation of the bonded indebtedness incurred after December 8, 1932, of the school building attached to its district under the provisions of this act, and pay the same from the proceeds of a debt retirement tax levy spread uniformly over the territory of the reorganized or successor district when the electors of the reorganized or successor district approve an increase in the limitation on taxes for that purpose and the school tax electors of the district have approved the assumption of such bonded indebtedness. Assumption of the bonded indebtedness of an original school district does not release the territory of the original district from the final responsibility of paying the obligation or rescind the increase in the limitation on taxes pledged to the bond issue or available to it in the original district, nor be construed as so doing. When the bonded indebtedness of an original district has been so assumed, the board of the reorganized or successor district shall certify and order the levy of taxes for the bonded indebtedness equivalent in terms of money to those required by the terms under which the indebtedness was origi-

nally incurred and carry out all provisions of the original bond contract. The election to assume the bonded indebtedness of an attached district may be held at any time after 3 years following the effective date of reorganization when a proposal is placed before the school tax electors to increase the bonded indebtedness of the combined district.

Sec. 18. The state committee on reorganization of school districts shall continue in existence for purposes of this act, notwithstanding any expiration date otherwise provided by law.

Sec. 19. The school emergency loan revolving fund is created in the state treasury from which emergency loans shall be made to school districts as provided in this act. The fund shall consist of sums appropriated by the legislature plus repayments and interest on loans. The treasurer shall transfer any amount in the fund in excess of $300,000.00 to the general fund. Upon approval of an application for an emergency loan by concurrent resolution of the legislature or, when the legislature is not in session by majority vote of the members of the special commission on appropriations created by Act No. 120 of the Public Acts of 1937, as amended, being sections 5.1 to 5.5 of the Compiled Laws of 1948, the state treasurer shall issue his warrant on the fund for the amount of the loan. There is hereby appropriated from the general fund to the school emergency loan revolving fund the sum of $300,000.00.

Sec. 20. This act shall expire June 30, 1973.

This act is ordered to take immediate effect.

Thos. Thatcher

Clerk of the House of Representatives.

Beryl I. Kenyon

Secretary of the Senate.

Approved _____

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Governor.

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1972 PA 258

APPROVED August 8, 1972

STATE OF MICHIGAN

76TH LEGISLATURE

REGULAR SESSION OF 1972

roduced by Senators Bursley, Faust, Ballenger and Stamm

Enrolled Senate Bill No. 1269

AN ACT to make appropriations for the purpose of aiding in the support the public schools and the intermediate school districts of the state; to provide the disbursement of the appropriations; to permit school districts to borrow anticipation of the payment of state aid and to regulate the effect thereof; provide penalties for violation of the act; to supplement the school aid fund the levy and collection of certain excise taxes; and to repeal certain acts parts of acts.

The People of the State of Michigan enact:

CHAPTER 1

Sec. 1. This act shall be known and may be cited as the "state school aid of 1972".

Sec. 5. (1) "State board" means the state board of education.

(2) "Intermediate board" means the board of education of an intermediate ool district.

(3) "Board" means the board of education of a local school district.

(4) "Intermediate superintendent" means the superintendent of an inter- diate school district.

(5) "District superintendent" means the superintendent of a local school rict.

(6) "District" means a local school district.

(7) "School code of 1955" means Act No. 269 of the Public Acts of 1955, mended, being sections 340.1 to 340.984 of the Compiled Laws of 1948.

(8) "Pupil" means a child in membership in a public school.

(9) "Elementary pupil" means a pupil in membership in grades K-8 in a

district not maintaining classes above the eighth grade or in grades K-6 in a district maintaining classes above the eighth grade.

(10) "High school pupil" means a pupil in membership in grades 7-12, except in a district not maintaining grades above the eighth.

(11) "Membership" means the number of full-time equivalent pupils as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board.

(12) "Full-time membership" means all pupils in grades K-12 actually enrolled and in regular daily attendance on the fourth Friday following Labor day of each year. The department shall give a uniform interpretation of such full-time membership and memberships other than full time.

(13) "Elementary tuition pupil" means a child of school age attending school in grades K-6 in a district other than of his residence and whose tuition is paid by the board of the district of his residence or a child enrolled in grades 7 or 8 in a district not operating grades above the eighth.

(14) "High school tuition pupil" means a child of school age attending school in grades 7 or 8 in a district other than of his residence which maintains grades above the eighth or in grades 9-12 in a district other than of his residence and whose tuition is paid by the board of the district of his residence.

(15) "Department" means the state department of education.

(16) "Intermediate district" means an intermediate school district.

(17) "Vocational education" means education programs approved for funding under chapter 6, or under the federal vocational education act of 1963, public law 88-210, or both, and includes programs described as "occupational education" and "career development" in other acts.

Sec. 7. The state board shall promulgate rules necessary to implement this act in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948.

Sec. 11. There is appropriated from the school aid fund established by section 11 of article 9 of the constitution of the state for each fiscal year, the sum necessary to fulfill the requirements of this act, with any deficiency to be appropriated from the general fund by the legislature. The appropriation shall be allocated as provided in this act.

Sec. 12. (1) For the purpose of supplementing the school aid fund established by section 11 of article 9 of the constitution of the state, there shall be levied and collected, and there is imposed, in addition to all taxes now imposed by law an excise tax equivalent to 4% of the retail selling price of spirits, as defined in section 2 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being section 436.2 of the Compiled Laws of 1948, other than those containing an alcoholic content of less than 22%. The tax shall be collected by the state liquor control commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount.

(2) Upon collection the state liquor commission shall deposit the entire proceeds in the state treasury to the credit of the school aid fund.

Sec. 13. The apportionments, and limitations thereof, made under this act shall be made on the membership and number of teachers and other professional approved by the superintendent of public instruction, employed as of the fourth Friday following Labor day of each year, on the number of pupils for whom

ansportation is allowed for the preceding school year, elementary or high chool tuition payments for the current fiscal year, per capita cost of pupils for ne preceding year and on the state equalized valuation of each school district r the calendar year. In addition, those districts maintaining school during the ntire year, as provided in section 731 of the school code of 1955, shall count emberships and teachers in accordance with rules established by the state board.

Sec. 14. If the returns from any intermediate district or district upon which statement of the amount to be disbursed or paid to are so defective as to ender it impracticable to ascertain the share of the appropriation to be disbursed r paid, the department shall ascertain by the best evidence available the facts pon which the ratio and amount of such apportionment shall depend and make he apportionment accordingly.

Sec. 15. If a district fails to receive its proper share of the appropriation ue, the department, upon satisfactory proof that the district was justly entitled the same, shall apportion the deficiency in the next apportionment. If a istrict has received more than its proper share of the appropriation, the depart- ent, upon satisfactory proof, shall deduct the excess in the next apportionment.

Sec. 16. Notwithstanding the allowance for pupils attending school in any ther district for tuition or transportation, or both, a district shall not receive ore allowance therefor than the actual amounts paid by the district and if a istrict has received in any apportionment more than it paid, the excess shall e deducted from its next apportionment.

Sec. 17. On or before August 1, October 1, December 1, February 1, April 1 nd June 1, the department shall prepare a statement of the amount to be istributed in the installment to the districts and deliver the statement to the tate treasurer, who shall draw his warrant in favor of the treasurer of each istrict for the amount payable to the district according to the statement and eliver the warrants to the treasurer of each district.

Sec. 18. (1) Except as provided in chapters 3, 4 and 6, each district shall pply the moneys received by it under this act on salaries of teachers and other mployees, tuition, transportation, lighting, heating and ventilation and water ervice and on the purchase of textbooks and other supplies. An amount equal not more than 5% of the total amount received by any district under chapter 2 ay be expended by the board for capital costs or debt service for debts con- acted after December 8, 1932. No part of the money shall be applied or taken r any purpose whatsoever except as provided in this section. The department hall determine the reasonableness of expenditures and may withhold from any istrict the apportionment otherwise due for the fiscal year following the iscovery by the department of a violation by the district.

(2) For the purpose of determining the reasonableness of expenditures and hether any violation of this act has occurred, the department shall require that istricts have audits of their financial and child accounting records at least nnually at the expense of the districts by certified public accountants or by ntermediate district superintendents, as may be required by the department, r in the case of districts of the first class by a certified public accountant, the ntermediate superintendent or the auditor general of the city. The audits shall e subject to such rules as the state board, in consultation with the state auditor eneral, may prescribe. Copies of the reports of the audits shall be filed as equired by the state board and shall be available at all reasonable times for ublic inspection.

CHAPTER 2

Sec. 21. (1) Except as otherwise provided in this act, from the amo appropriated in section 11 there is allocated to every district a sum determi as provided in subsection (2) plus the amounts allocated for transportation chapter 7 and tuition in chapter 11.

(2) The sum allocated to each school district shall be computed from following table:

State equalized valuation behind each child	Gross Allowance	Deductible Millage
(a) $17,750.00 or more	$644.00	16
(b) Less than $17,750.00	$715.00	20

(3) Whenever 2 or more districts are reorganized into a single distr either through a procedure of annexation or consolidation, the amount of st aid to be received by the new district during the 2 years immediately subs quent to the annexation or consolidation shall not be less than the total a of state aid which was earned by all the districts forming the new distr during the last fiscal year in which the districts received aid as separate distri except that no more than $400,000.00 shall be allocated under this subsecti

Sec. 23. Notwithstanding any other provision of this act, a district provid K-12 educational services for department of corrections pupils or contract with the department of corrections for such educational services may co such pupils in membership and receive state aid under this act.

Sec. 24. A child under court jurisdiction who is placed in a private ho or in a private or public institution located outside the district in which parents or legal guardians reside may be counted as a resident of the distr he attends if other than the district of his parents or legal guardian and sh be counted as 1½ memberships. The total membership of such children sh be computed by adding the membership days attended by all such children to April 1 of the current school year and dividing the total by the number days in the school year of the district up to April 1 of the current school y The membership thus obtained shall be certified by the district to the dep ment which shall adjust the total membership of the district accordingly determining the school aid to be paid during the current fiscal year.

Sec. 25. The valuations of any district shall be reduced under the follow conditions and in the following manner:

(a) An application may be filed by the district in form and content described by the department showing the total taxes levied on property loca within the district by all taxing agencies including the school district but exc ing taxes levied for school operating purposes.

(b) Using the total taxes for the prior year as last reported by the state commission for the entire state but excluding taxes levied for school opera purposes, the department shall determine the tax rate for the entire state shall determine the tax rate for the applicant district by dividing the fig obtained in subdivision (a) by the district's prior year valuation.

(c) If the resulting tax rate for the applicant district is 125% or mor the resulting tax rate for the districts of the state, the valuation of the appl

istrict shall be reduced by the percent by which the resulting tax rates in the pplicant district exceeds 125% of the resulting tax rates in all districts of the ate. Not more than $20,000,000.00 shall be allocated as the result of reduction valuation under this section. A district qualifying under 1 of the formulas rovided in subsection (2) of section 21 shall not qualify for state aid under a ifferent formula in that subsection solely as a result of the reduction in valuation nder this section. A district receiving a membership guarantee under subsection 3) of section 21 or section 22 shall not receive assistance under this section nless the allowance under this section is greater than the membership guarntee under subsection (3) of section 21 or section 22. A district shall not receive oth a membership guarantee under subsection (3) of section 21 or section 22 d assistance under this section.

(d) For the fiscal years 1971-72, 1972-73 any district which by circuit court rder has been mandated to present to its electorate the question of transference 4 or more mills from debt retirement to repay an operating deficit and ch transference is approved shall have such mills included in computations r qualifying for this section.

CHAPTER 3

Sec. 31. From the amount appropriated in section 11, there is allocated 2,500,000.00 to enable eligible districts to establish or to continue, in conjunction with whatever federal funds may be available to them from the provisions title I of Public Law 89-10, the elementary and secondary education act, as mended, but not to exceed $200.00 of state funds per eligible pupil participating the programs, comprehensive compensatory education programs designed to prove the achievement in basic cognitive skills of pupils enrolled in grades 6 who have extraordinary need for special assistance to improve their competncies in such basic skills and for whom the districts are not already receiving dditional funds by virtue of their being physically, mentally or emotionally ndicapped.

Sec. 32. A district shall be eligible for allocations under section 31 for the cal year 1972-73 and for each of the following 2 fiscal years if at least 15% its total enrollment in grades K-6 and not less than 30 of its pupils in grades 6, as described in section 31 and as computed under section 33, are found be in need of substantial improvement in their basic cognitive skills except at districts which received such aid in 1970-71 for schools housing grades and 8 shall be funded if the pupils in those schools are found eligible in a nner to be determined by the department.

Sec. 33. The number of pupils in grades K-6 construed to be in need of bstantial improvement in their basic cognitive skills shall be calculated for ch district by the following procedural steps:

(a) Using the composite achievement test score only on the state assessment ttery given in January 1971, a percentile ranking shall be made statewide the scores of pupils in grade 4 and for the scores of pupils in grade 7.

(b) The percent of pupils of the district enrolled in grade 4, as defined in ction 31, who scored at the fifteenth percentile or lower for grade 4 in cordance with statewide norms established for the assessment battery, shall determined and this percentage shall be multiplied by the aggregate enrollent of the district in grades K-4 on the fourth Friday following Labor day of preceding school year.

(c) The percent of pupils of the district enrolled in grade 7, as defined section 31, who scored at the fifteenth percentile or lower for grade 7, accordance with statewide norms established for the assessment battery, shall determined and this percentage shall be multiplied by the aggregate enrollme of the district in grades 5 and 6 on the fourth Friday following Labor day the preceding school year.

(d) The number of pupils determined in subdivision (b) shall be added the number of pupils determined in subdivision (c) and this resultant sum shall be construed to be the number of pupils of the district enrolled in grade K-6 who are in need of substantial improvement in their basic cognitive skill at the beginning of the 1972-73 and 1973-74 school years.

Sec. 34. The tentative allocations to each eligible district shall be determin by multiplying the number of pupils determined in subdivision (d) of section by $200.00.

Sec. 35. The tentative allocations as determined in section 34 shall be di tributed the first year to districts in decreasing order of concentrations of pupi in grades K-6 who score on the assessment battery at the fifteenth percentile lower for norms for the state as a whole. Distribution shall begin with the distri with highest concentration of such pupils and continue in descending order concentration until all of the moneys appropriated in section 31 have be distributed, if:

(a) The districts have applied for the moneys on forms provided by th department.

(b) The districts have shown evidence of having established comparabili among the schools within their boundaries in accordance with standards esta lished by the state board.

(c) The districts have committed themselves to the involvement of paren teachers and administrators in the planning and continuous evaluation of th compensatory education programs as conducted under this chapter.

(d) The districts have identified the performance objectives of their com pensatory education programs. Performance objectives shall be concerned pr marily with the improvement of pupils' performance in the basic cognitive skil

(e) The districts have certified that they will identify or have identified or before the fourth Friday following Labor day of the school year, the pupi to be provided special assistance with these moneys with the pupils be selected in grades 2-6 from the lowest achievers in basic cognitive skills a in grades K and 1 from among those with the lowest readiness for the acqui tion of cognitive skills. The aggregate number of pupils selected from grad K-4 and from grades 5 and 6 shall bear at least the same ratio to the total enr ment in these blocs of grades as those percentages which were used for t districts in subdivisions (b) and (c) of section 33.

Sec. 36. A district receiving moneys under section 31 may use these mon in any manner which, in the judgment of its board and its staff, contribu significantly toward substantial improvements in the basic cognitive skills of t pupils. These uses may include, but are not limited to, the following:

(a) Employment of additional personnel.

(b) Purchase of instructional devices and other aids.

(c) Leasing of portable classrooms.

(d) Contracting with a public or private agency, a group of employees a group of nonemployees.

(e) Providing inservice training for teachers and other personnel.
(f) Provision of adequate nutrition and health care to students.

Sec. 37. As a condition of receiving moneys for use in fiscal years following 1971-72, an assessment or evaluation of the progress of each pupil construed to be in need of special assistance under this chapter shall be made with the use of pretests and posttests. These tests shall be administered or approved for administration by the department in accordance with policies of the state board to determine the amount of progress made by the pupils toward attainment of the performance objective specified in the district's approved application as stipulated in subdivision (d) of section 35. In the subsequent year for each pupil making a minimum gain during the year of at least 75% of the skills in the performance objectives specified for his program, the district shall receive the full per pupil amount of funds allocated to the district in accordance with section 31; and for those pupils who do not achieve at least 75% gain, the district shall receive an amount per pupil prorated in the proportion that the amount of actual gain made bears to 75% of the total skills listed for the programs provided these pupils except that for the year 1972-73 the full per pupil amount shall be allocated for all participating pupils. Regardless of gain levels, a district shall be paid in full for a pupil who has migrated from the district during the school year and for a pupil who has not attended school for a minimum period of 150 days because of health reasons verified by a medical authority.

Sec. 38. The state board shall report to the governor and the legislature not later than October 1 of each year the results of the evaluation studies including a report on exemplary programs which promote academic achievement.

Sec. 39. No funds appropriated under this chapter shall be allocated for pupils bused to another school district for the purpose of achieving a racial balance of students. Any funds appropriated under this chapter not used for the purpose appropriated shall be returned to the general fund.

CHAPTER 4

Sec. 41. From the amount appropriated in section 11, $500,000.00 shall be allocated for grants to districts to enter into performance contracts for instructional purposes. The department shall establish and supervise the contracts.

Sec. 42. From the amount appropriated in section 11, $250,000.00 shall be allocated to continue contractual arrangements for a statewide program of abstract conceptually oriented mathematics utilizing the discovery method to improve the basic skills of educationally needy children attending elementary schools. The department shall evaluate the effectiveness of the program and submit its findings to the legislature.

Sec. 43. Districts offering learning disabilities programs approved by the department are entitled to 75% of the actual cost of the salary, not to exceed $8,100.00 for any individual salary of a learning disabilities teacher approved by the department. The state board may provide by rules for the maximum number of pupils per teacher to be counted. From the total appropriated in section 11, there is allocated not to exceed $1,650,000.00 for learning disabilities programs to be used for teachers' salaries at the grades K-3 levels only. A school district funded under section 31 shall not receive funds under this section for any learning disabilities program except that each district shall receive under this section and section 44 an amount equal to the remedial reading funds received

for 1971-72 if it continues to employ at least the same number of rem reading and learning disabilities teachers. If the number of remedial re and learning disabilities teachers employed in 1972-73 is less than the nu employed in 1971-72, a proportionate reduction shall be made in the fund the district.

Sec. 44. Districts offering remedial reading programs approved by department are entitled to 75% of the actual cost of the salary, not to ex $8,100.00 for any individual salary of a remedial reading teacher approve the department. The state board may provide by rules for the maximum nu of pupils per teacher to be counted. From the total amount appropriate section 11, there is allocated not to exceed $2,350,000.00 for remedial re programs to be used for teachers' salaries at the grades 4-12 levels only. A s district funded under section 31 shall not receive funds under this sectio any remedial reading program except that each district shall receive under section and section 43 an amount equal to the remedial reading funds rec for 1971-72 if it continues to employ at least the same number of rem reading and learning disabilities teachers. If the number of remedial re and learning disabilities teachers employed in 1972-73 is less than the nu employed in 1971-72, a proportionate reduction shall be made in the fund the district.

Sec. 45. The state board shall survey the need for and feasibility of sp programs for academically talented children, implementing the fullest utili of any federal funds that may be available for this purpose and shall r recommendations to the 1973 legislature for such supplementary state fu as may be required to meet this need.

CHAPTER 5

Sec. 51. (1) There is authorized a $67,000,000.00 program for the purpose of reimbursing districts for special education programs, services and special education personnel as defined in the school code of 1955.

(2) From the amount appropriated in section 11, there is allocated the sum of $50,000,000.00 which amount shall be augmented with $17,000,000.00 of federal funds available under an agreement with the department of social services.

(3) Reimbursement shall be at 75% of the actual cost of salaries, not to exceed $8,100.00 for any individual salary, for such programs and services as determined by the department. Not later than March 1, 1973 the department shall prepare a written report for the legislature indicating the amount of federal moneys earned under the agreement with the department of social services from July 1, 1972 through June 30, 1973.

Sec. 52. Districts conducting special education programs and services for the hearing impaired, physically handicapped and visually handicapped shall be allocated an additional amount not to exceed 75% of the cost for equipment, for teachers who teach others to transcribe books into braille or books for visually handicapped students at all levels and for expenses incurred in transcribing and recording educational materials, including machines, paper and binding.

Sec. 53. Intermediate districts shall be entitled to additional funds for the purpose of establishing special education programs and services for trainable individuals who are not currently eligible for mentally handicapped programs. The amount allocated for these programs shall not exceed 75% of the actual cost of operating the program including the cost of transportation. An intermediate district is authorized to use moneys in its general fund or special education fund, not otherwise restricted, or contributions from districts or individuals for the support of the programs.

Sec. 54. A district providing board and room for children being educated under provisions for special education programs and services in the school code of 1955 shall be allowed an amount sufficient to pay the board and room up to an amount approved by the department.

Sec. 55. A district operating summer special education programs and services for the handicapped as approved by the department shall be allowed up to 75% of the actual cost of the special education programs and services as determined by the department.

CHAPTER 6

Sec. 61. From the amount appropriated in section 11, there is allocated the sum of $8,000,000.00 to reimburse districts and secondary area vocational centers for secondary-level vocational education programs on an added cost basis. The definition of what constitutes such programs and reimbursement shall be in accordance with rules promulgated by the department, and applications for participation in such programs shall be filed in the form prescribed by the department, which shall determine the added cost for each vocational program area. The allocation of added cost funds shall be based on the type of vocational programs provided, the number of students enrolled and the length of the training period provided. Such funds shall be utilized in conjunc-

tion with whatever federal funds may be available from the provisions of public law 88-210, the vocational education act of 1963, as amended. The department shall submit to the legislative fiscal agency by February 1, 1973 a detailed report on the types and levels of reimbursements made from both added cost funds and federal funds for secondary level vocational education programs for both 1971-72 and 1972-73. Further, the department shall submit to the appropriations and education committees of the legislature by September 15, 1972 a detailed programmatic statement which defines by course, program, level and type of instructional design, the full range of programs which it considers to be appropriately a part of vocational education at the elementary and secondary school levels.

CHAPTER 7

Sec. 71. (1) Districts transporting pupils from the vicinity of their homes to the schools they attend and return shall be granted allotments from the school aid fund in amounts determined by the department but not to exceed 75% of the actual cost of the transportation. Allotments shall not be granted for the transportation of children living within 1½ miles of the schools they attend. Transportation distances shall be measured along public streets and highways.

(2) Although the children may live 1½ miles or more from the schools they attend allotments shall not be granted for the transportation of children living within the corporate limits of cities or villages unless 1 of the following conditions exists for the children transported:

(a) The children transported live in a district organized prior to July 1, 1955 as a township or a rural agricultural school district.

(b) The children transported live within a district and within city or village limits the major portion of which is in a district organized prior to July 1, 1955 as a township or rural agricultural school district.

(c) The children transported live within a city or village and the largest pupil population of the city or village is contained in another single district and no school the children can attend is operated in the portion of the city or village within the district.

(d) The children transported live in a district, containing 2 or more cities or villages or parts of 2 or more cities or villages, operating 1 high school and 1 junior high school or 1 combination junior-senior high school and the children transported are enrolled in grades 7-12 and the school building in which these grades are taught is located outside the corporate limits of the city or village in which they reside.

(e) The children live within a district and within city or village limits and attend a public school located outside any city or village.

(f) The children live within a district and within a city or village and the shortest available route requires a bus to leave the city or village over streets or highways outside of any city or village and return to the city or village in which their public school is located and they ride in the bus at the time of exit from the city or village.

(g) The children live within a district and are transported to another district for education in grades not provided in the district in which they reside.

(3) Upon investigation the department shall review, confirm, set aside or amend the action, order or decision of the board of any district with reference to the routes over which children shall be transported, a distance they shall

be required to walk, and the suitability and number of vehicles and equipment for the transportation of the children.

(4) An allotment for transportation shall not be allowed a district which operates a bus route disapproved by the department.

Sec. 72. A district not maintaining school within the district may participate in the school aid fund under this section. The total amount which shall be allocated to such a district shall be an amount determined by the department but not to exceed 75% of the actual cost of transportation, less a sum equal to 5.86 mills on the valuation of the property within the district reported and determined as hereinafter provided. If the amount deducted herein has been used to determine the aid to any such district under any other section of this act, the amount herein allotted for transportation shall be in addition to such other amounts allotted.

Sec. 73. A district or intermediate district providing transportation for handicapped children, as defined in rules promulgated by the state board, being educated under the provisions of the school code of 1955, shall be allowed an amount determined by the department but not to exceed 75% of the actual cost of transportation or more than $200.00 per pupil living more than 1½ miles from the school they attend unless the department determines from the best evidence available that the handicapped child cannot safely walk that distance in which case the limit of 1½ miles may be waived. No allowance for such children shall be given under sections 71 or 72.

Sec. 74. A district or intermediate district providing transportation for handicapped children being educated under the provisions of the school code of 1955 at the Michigan school for the deaf, the Michigan school for the blind or in special education programs and services under the direction of the department of mental health and who cannot safely walk to the school they attend shall be allowed an amount determined by the department but not to exceed 75% of the actual cost of transportation or more than $200.00 for each child transported. No allowance for such children shall be given under sections 71, 72 or 73.

Sec. 75. A district providing transportation for secondary school pupils to centers designated or approved as secondary area vocational centers by the department or to training facilities approved annually by the department to conduct jointly planned occupational programs according to criteria developed by the department shall be allowed an amount determined by the department but not to exceed 75% of the actual current cost of the transportation. Not more than $1,700,000.00 shall be distributed for transportation under this section.

Sec. 77. Not more than $34,100,000.00 shall be distributed for transportation under this chapter. Except as specifically provided in section 71 (g), section 72, section 73, section 74, and section 75, allotments shall not be granted for the transportation of children living within a district and attending school in another district.

Sec. 78. It is the intent of the legislature that beginning with the school year 1973-74 transportation costs within cities and villages will be reimbursed with an allocation of not less than $1,500,000.00.

Sec. 79. No appropriations allocated under this act for the purpose of covering transportation costs or any portion thereof shall be used for the payment of any cross busing to achieve a racial balance of students within a school district or districts.

CHAPTER 8

Sec. 81. From the amount appropriated in section 11, there is allocated to intermediate districts as established under the school code of 1955, a sum necessary but not to exceed $6,400,000.00 to provide state aid to intermediate districts.

Sec. 82. (1) There shall be apportioned to each intermediate district an amount equal to the operating budget of the district multiplied by the percentage that the total state aid received by all of the constituent districts of the intermediate district under the provisions of the state school aid act in effect during the preceding school year was of the total current operating expenditures of all the constituent districts of the preceding year, except that no intermediate district shall receive aid on a basis of less than 50% of its approved budget.

(2) The operating budget of the intermediate unit shall be the budget finally adopted by the intermediate board in accordance with all constitutional and statutory hearings and after the allocation of millage has been made by the county tax allocation board. The budget total shall be reduced by the amounts allocated for building and site expenditures, cooperative education programs and any program not approved by the department.

(3) The current operating expenditures of the constituent districts shall be in accordance with the classification of expenditures used in reporting receipts, expenditures and other financial data to the department.

(4) Intermediate districts formed by the consolidation of 2 or more intermediate districts shall be entitled to an additional allotment of $3,500.00 for each intermediate district included in the new district for a period of 3 years following consolidation.

CHAPTER 9

Sec. 91. From the amount appropriated in section 11, there is allocated the sum of $18,500.00 for payment of a membership fee for the state of Michigan in the education commission of the states.

Sec. 94. From the amount appropriated in section 11, there is allocated not to exceed $300,000.00 to be used for the salaries of teachers in alternative education programs for pregnant persons as approved by the department in accordance with Act No. 242 of the Public Acts of 1970, being sections 388.391 to 388.394 of the Compiled Laws of 1948. Districts and intermediate districts providing approved programs shall be entitled to 75% of the actual cost of the salary, not to exceed $8,100.00 for any individual salary, of each teacher approved by the department. It is a condition of this appropriation that the department obtain available federal matching funds under title IV A of the social security act.

Sec. 96. From the amount appropriated in section 11, there is allocated not to exceed $1,000,000.00 to be used by districts conducting community school programs approved by the department. The state board shall promulgate rules to implement this section.

CHAPTER 10

Sec. 101. (1) To be eligible to receive state aid under this act, on or before the seventh Friday after Labor day of each year, each district superintendent through the secretary of his board shall file with the intermediate superintendent a certified and sworn copy of the district's enrollment

current school year. In addition, those districts maintaining school during the entire year, as provided under section 731 of the school code of 1955 shall file with the intermediate superintendent a certified and sworn copy of the enrollment for the current school year in accordance with rules established by the state board. In case of failure to file such sworn and certified copy on or before the seventh Friday after Labor day or in accordance with rules promulgated by the state board, state aid under this act shall be withheld from the defaulting district. A person who wilfully falsifies any figure or statement in the certified and sworn copy of enrollment shall be punished in the manner prescribed by the laws of this state.

(2) Each district shall provide a minimum of 180 days of student instruction. A district failing to hold 180 days of student instruction shall forfeit 1/180 of its total state aid appropriation for each day of failure and a district failing to comply with rules promulgated by the state board which establishes the minimum time student instruction is to be provided to pupils for the regular school year shall forfeit from its total state aid appropriation an amount determined by applying a ratio of the time duration the district was in noncompliance in relation to the minimum time student instruction is required. Not later than August 1, the board shall certify to the department the number of days of student instruction in the previous school year. If the district did not hold at least 180 days of student instruction, the deduction of state aid shall be made in the current fiscal year. Days lost because of strikes or teachers' conferences shall not be counted as a day of student instruction. The state board shall promulgate rules for the implementation of this section.

(3) A district shall not be allotted or paid any sum under the provisions of this act in any year, if the department determines that at the end of the preceding fiscal year the amount of funds on hand in the district available for the payment of the operation cost in the district exceeded the amount of moneys expended for operation cost in the district during the preceding fiscal year.

(4) If a district, except those coming under the provisions of section 104, does not levy at least a 10-mill tax on the state equalized valuation of the property within the district for the purposes included in the operation cost of the district as defined in section 112 and certify such fact to the department, the amount of state aid allotted or paid shall be reduced to an amount which bears the same proportion to the total amount allotted or paid as the actual levy bears to 10 mills for the fiscal year beginning July 1, 1972.

Sec. 102. Districts receiving moneys under this act shall not adopt or operate under a deficit budget and a district shall not incur an operating deficit in any fund in any fiscal year.

Sec. 103. A district shall not be allotted or paid any sum under this act for the number of pupils in membership in excess of a ratio of 34 pupils to 1 teacher. The department may include all pupils in membership regardless of this section if in its judgment the district could not maintain the ratio because of lack of funds, facilities or qualified teachers. For the purpose of this section, teacher means an employee of the district holding a valid Michigan teacher's certificate.

Sec. 104. A district maintaining an approved high school shall not be paid more state aid under this act than a sum obtained by multiplying the number of high school tuition pupils in membership in the district in grades 9-12 by $190.00.

Sec. 105. All children to be counted in membership shall be at least 5 years

of age on December 1 and under 20 years of age on September 1 of the school year except that all children regularly enrolled and working toward a high school diploma may be counted in membership regardless of age. A former member of the armed services in attendance in the public schools, the cost of whose instruction is not paid for by other state funds or by the federal government, shall be counted in membership regardless of age.

Sec. 106. A child enrolled in public school programs organized under federal or state supervision and in which the teaching costs are fully subsidized from federal or state funds shall not be counted in membership.

CHAPTER 11

Sec. 111. A district having tuition pupils enrolled on the fourth Friday following Labor day of each year, shall charge the district in which the tuition pupils reside, tuition in at least the amount of the difference between the per capita cost as determined in section 112 and the per pupil membership allowance provided in section 21. An additional allowance for nonresident pupils in part-time membership, shall be made to the district in an amount equal to the difference between the prorated per capita cost as determined in section 112 and the prorated per pupil membership allowance as provided in section 21.

Sec. 112. The board of each school enrolling tuition pupils shall determine the actual per capita operation costs for the preceding fiscal year. For the purpose of determining the actual operation cost there shall be excluded moneys expended for sites, school buildings, equipment, payment of bonded indebtedness and moneys expended for such other purposes as shall be determined by the department not properly included in operation costs if the excluded items are applied uniformly in the determination of operation costs to all the districts affected. The per capita operation cost shall be determined by dividing the total expenditures less the amount spent for such items as are excluded from the actual operation cost as defined in this section, by the membership in grades K-12. For the purpose of determining the amount of tuition to be charged for nonresident pupils enrolled in grades K-6, the per capita cost thus obtained shall be used. For nonresident pupils enrolled in grades 7-12, the per capita cost shall be the amount of the elementary per capita cost increased by 15%.

Sec. 113. Notwithstanding the provisions of section 111, a child residing in a juvenile or detention home operated by a probate court and attending school by direction of the court in the district of residence of his parent or legal guardian shall not be counted as a tuition student but shall be counted in resident membership in that district. A child residing in the home of his parent or legal guardian but who, by assignment of a probate court, attends school in another district shall not be counted as a tuition student but shall be counted in resident membership in the district which he attends. A child residing in the home of his parents or legal guardian or juvenile home but who, by direction of local school authorities and approval of the probate court, may be enrolled in school in another district shall not be counted as a tuition student but shall be counted in resident membership.

Sec. 114. A child placed in a state institution by parents shall be counted in resident membership of the district in which the child is enrolled, and an additional allowance for such child shall be made to the district in the amount equal to the difference between the per capita cost as determined in section 112 and the per pupil membership allowance as provided in section 21.

Sec. 115. A district paying tuition for special education pupils being educated under the school code of 1955 shall be allowed an amount sufficient to pay the tuition charged the district in excess of $50.00 per pupil but less than $81.00 per pupil and all over $150.00 per pupil plus any sums which the district is apportioned under other sections of this act.

Sec. 116. A district having American Indian children in attendance, who reside within the district and upon a United States government Indian reservation, shall be allowed in addition to the allowances provided by the other sections of this act an amount equal to the number of such children in attendance times ½ the tuition rate as computed in accordance with sections 111 and 112 and in accordance with the provisions of the school code of 1955. A district receiving federal assistance under Public Law 81-874, as amended, shall not share in the allowances under this section.

Sec. 117. A district shall not be allotted or paid any sum under this act unless the district charges the legal amount of tuition, for all tuition pupils enrolled on the fourth Friday following Labor day of each year from the districts in which the tuition pupils reside and has certified such fact to the department. If no district is legally liable for the payment of the tuition and the tuition has not been collected from the parents or guardians of the tuition pupils on or before May 1 of each year, the number of such pupils shall be deducted from the membership of the district and the allowances as provided in sections 111 and 112 shall be recomputed accordingly.

Sec. 118. A district shall not be allotted or paid any sum under this act after April 1 of each year unless the district pays the legal amount of tuition for tuition pupils on or before that date to the districts in which the tuition pupils are in school membership on the preceding fourth Friday following Labor day of each year and has certified such fact to the department.

Sec. 119. A child whose parents or guardians live on land in this state over which the federal government has taken exclusive jurisdiction and which has not been attached to a district for educational purposes may be included in membership by the district which he attends and for the purpose of this act is considered a tuition pupil.

CHAPTER 12

Sec. 121. The valuation of any whole or fractional district shall be the total state equalized valuation of the property contained therein as last fixed by the state tax commission.

Sec. 122. The valuation of property assessed under Act No. 189 of the Public Acts of 1953, as amended, being sections 211.181 and 211.182 of the Compiled Laws of 1948, shall be deducted from the total valuation of a district where school taxes levied against the property are not collected from the lessee or user of the property. The credit so obtained by a district in the application of the formula provided in section 21 shall forever be a lien against the district and shall be paid by the district to the school aid fund at such time as the taxes are collected.

Sec. 123. The valuation of property located on land over which the federal government has exclusive jurisdiction and upon which school taxes have been levied in accordance with federal law shall be deducted from the total valuation of a district if credits against such taxes, as permitted by federal law, result in a

payment to the district of an amount less than the product of the valuation of such property, times the millage referred to in section 21. Any amount of such taxes collected shall be deducted from the state aid to which the district is entitled under this act, up to an amount equal to the above product.

Sec. 124. When taxes levied for operating purposes against property constituting at least 10% of the valuation of a district are paid under protest and are thus unavailable to the district, the total valuation of the district for the purposes of this act shall be reduced by the valuation of such property. The credits so obtained by a district in the application of the formula provided in section 21 shall forever be a lien against the district and shall be paid by the district to the school aid fund at such time as the taxes are collected.

CHAPTER 13

Sec. 131. Subject to the restrictions prescribed in this chapter, the board may borrow money for school operations, issue notes therefor and pledge for the payment thereof state aid available to the district under this act. The notes shall be the full faith and credit obligations of the district.

Sec. 132. Notes issued under this chapter shall become due and payable on or before September 1 immediately following the fiscal year for which state aid was pledged. The notes shall bear interest at not to exceed 6% per annum and may be made redeemable prior to maturity on such terms and conditions as shall be provided by the resolution of the board.

Sec. 133. A district shall not issue its notes pledging state aid under this chapter for any school year in an aggregate amount exceeding 100% of the undistributed balance of its share of the aid for the school year. Not more than 13% of the district's share of the aid for the next succeeding fiscal year shall be borrowed prior to the beginning of that fiscal year. The issuance of notes under this chapter shall not be subject to Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Compiled Laws of 1948.

Sec. 134. Notes shall not be issued for borrowing under this chapter without the prior approval of the department for which approval application shall be made by the district. The department shall issue a certificate of approval which shall show the amount of state aid allocated to the district for the present and, if applicable, for the next succeeding fiscal year and any payments distributed to the district prior to the date of the certificate. A district may make more than 1 borrowing under this chapter during any school year.

Sec. 135. A district shall not contest the validity of any note issued by it under this chapter if it has received permission from the department to issue the note and has received the principal amount of the note.

Sec. 136. If at any time during the last 2 months of a fiscal year or during the first 6 months of a fiscal year, a district has insufficient funds on hand to meet its operating expenditures, the department, when proof of such need has been furnished to it, may advance an amount to meet operating expenditures. Such payment in the first instance shall not be greater than ¼ of the total amount allotted to a district for the following school year under the terms of this act as near as it can be determined when the advance payment is requested and such payment, in the second instance, shall not be greater than 2/5 of the total amount allotted to a district for the current school year under the terms of this act as near as it can be determined when the advance payment is requested.

CHAPTER 14

Sec. 141. (1) When a district, in whole or in part, is attached to another district by an intermediate board acting under the school code of 1955, the amount of state aid to be paid to the district to which territory is attached during the fiscal year of attachment and the following 6 fiscal years shall be increased when the district already is eligible for state aid, and the state equalized valuation per membership child in grades K-12 in the territory attached is less than the state equalized valuation per membership child in grades K-12 in the district to which territory is attached.

(2) The amount of the increase shall be computed by multiplying the number of children in membership in grades K-12 in the territory attached by the difference between the state equalized valuation per membership child in grades K-12 in the receiving district and the state equalized valuation per membership child in grades K-12 in territory attached and the product thus obtained by the millage levied for operating purposes over and above 4¼ mills in the receiving district. The increase shall be ¾ of this product for the second year, ½ of this product for the third year and ¼ of this product for each of the fourth through the seventh years.

(3) The amount of the increase shall be computed each year on the basis of the facts at the date of attachment except that the millage levied for operating purposes shall be the actual millage spread each year.

Sec. 142. (1) When a school district, in whole or in part, was attached to another district prior to January 1, 1969, as authorized by Act No. 239 of the Public Acts of 1967, as amended, being sections 388.711 to 388.720a of the Compiled Laws of 1948, the amount of state aid to be paid in the year 1972-73 to the district to which territory was attached shall be increased by $150.00 per pupil added as a result of such attachment in the year 1968-69 for the purpose of bringing about uniformity of educational opportunity for all the pupils of the district. The number of student residents of the attached areas and counted as resident students on September 27, 1968 shall serve as the basis for the payment of these funds.

(2) School districts receiving students under Act No. 239 of the Public Acts of 1967, as amended, and divided and attached between January 1, 1969 and July 1, 1969, shall be granted the sum of $112.50 per student resident of the area received as a direct result of the attachment. The money shall be deposited in the general fund account of the districts receiving the students and used for the purpose of bringing about uniformity of educational opportunity for all the pupils of the enlarged school district. The number of students each district receives under Act No. 239 of the Public Acts of 1967, as amended, shall be determined by a membership count as made by the department on September 26, 1969. Not more than $450,000.00 is allocated for the purposes of this subsection.

(3) Any funds owed to the attached district including but not limited to any overpayment of bills paid by the attached district, delinquent property taxes for operating purposes, reimbursement due the attached school district from the state for transportation and tuition or any funds due the district from federal or other state sources, or gifts received by or in behalf of the attached district shall be placed in the school aid fund.

CHAPTER 15

Sec. 151. Annually the treasurer of each county shall furnish to the department, on or before July 1 following the receipt of assessment rolls, a statement of the state equalized valuation of each district and fraction of a district within the county on forms furnished by the department.

Sec. 152. Before the first Monday in November of each year each district shall furnish to the department such reports as it deems necessary for the determination of the allotment of funds under this act. Each district employing 25 teachers or more shall furnish to the department a copy of its salary schedule and a statement to what extent the schedule is being observed.

Sec. 153. On or before the first Monday in November of each year each district shall furnish to the legislative fiscal agency of the state legislature such information as the agency shall require on forms prepared and furnished by such agency, relative to the expenditure of funds appropriated under this act for the prior year.

Sec. 154. The superintendent of each intermediate district between August 20 and August 30 of each year, and at any other times upon the request of the treasurer of the county, shall furnish to the county treasurer the names and post-office addresses of the treasurers and the presidents and secretaries of the boards of all districts in his county.

Sec. 155. The secretary of the board of each district enrolling nonresident pupils shall certify to the department on forms furnished by it, the number of nonresident pupils enrolled in each grade on the fourth Friday following Labor day of each year, the districts in which the nonresident pupils reside, the amount of tuition charged for the current year and any other information required by the department.

Sec. 156. The department shall inform, in writing, each legislator, prior to the warrants being delivered, of the amount of money each district in the legislator's respective representative or senatorial district will receive and shall furnish to the legislature before November 1 of each year a report containing the certified enrollments of all districts of the state as filed with the intermediate district superintendents pursuant to the requirements of section 101.

CHAPTER 16

Sec. 161. A school official or member of a board or other person neglecting or refusing to do or perform any act required by him by this act or violating or knowingly permitting or consenting to the violation of this act, is guilty of a misdemeanor, and shall be fined not more than $500.00 or imprisoned not more than 3 months or both.

Sec. 162. A district which fails through the negligence of its officers to file reports in accordance with chapter 15 shall forfeit such proportion of funds to which the district would otherwise be entitled under this act as the delay in the reports bear to the school term as required by law for the district.

Sec. 163. As provided in the school code of 1955, the board of any district shall not permit an unqualified teacher to teach in any grade or department of the school. A district employing teachers not legally qualified shall have deducted the sum equal to ½ the amount paid the teachers. Each intermediate superintendent shall notify the department of the name of the unqualified teacher and the district employing him and the amount of salary the unqualified teacher was paid within his intermediate district.

CHAPTER 17

Sec. 171. The provisions of Act No. 136 of the Public Acts of 1945, as amended, being sections 38.201 to 38.357 of the Compiled Laws of 1948, requiring certification by the retirement boards of estimated aggregate compensations of school employees for the ensuing year and monthly payments by the state treasurer of the amount certified to him by the superintendent of public instruction are waived. The appropriations contained herein for such purposes shall be allocated by the budget director to the retirement systems quarterly pursuant of their certification of actual compensation received by school employees. The employer contribution for current service and social security on aggregate salaries paid from federal funds to members of the Detroit and Michigan public school employees' retirement systems shall not be paid from the state's school aid fund but shall be paid from any federal or state funds otherwise payable to the school district.

Sec. 172. Notwithstanding any other act to the contrary, in no case shall the annual retirement allowance payable to a retirant or beneficiary in chapter 1 or 2 who retired any time before July 1, 1956 be less than $3,000.00: Provided, That a person serving less than 30 years but not less than 10 years shall be entitled to a retirement allowance of not less than an amount which bears the same ratio to $3,000.00 as the total years of service of said person bears to 30 years.

Sec. 173. Pursuant to the provisions of section 27 of chapter 1 and section 5 of chapter 2 of Act No. 136 of the Public Acts of 1945, as amended, there is allocated from the amount appropriated in section 11 for the:

MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM	
For current obligation	$154,800,000.00
For unfunded accrued liability	32,800,000.00
Subtotal	$187,600,000.00
DETROIT PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM	
For current obligation	$ 27,237,000.00
For unfunded accrued liability	18,600,000.00
Subtotal	$ 45,837,000.00
TOTAL	$233,437,000.00

Sec. 174. (1) On July 1, 1972, the monthly retirement allowance payable to a retirant or beneficiary whose allowance was computed on the basis of section 15b of chapter 1 and section 23 of chapter 2 of Act No. 136 of the Public Acts of 1945, as amended, and who was on the rolls for June, 1971, is increased as follows:

Effective date of retirement	Percent of increase
August 1, 1970, to July 1, 1971	1
August 1, 1969, to July 1, 1970	2
August 1, 1968, to July 1, 1969	3
August 1, 1967, to July 1, 1968	4
August 1, 1966, to July 1, 1967	5

August 1, 1965, to July 1, 1966	6
August 1, 1964, to July 1, 1965	7
August 1, 1963, to July 1, 1964	8
August 1, 1962, to July 1, 1963	9
August 1, 1961, to July 1, 1962	10
August 1, 1960, to July 1, 1961	11
August 1, 1959, to July 1, 1960	12
August 1, 1958, to July 1, 1959	13
August 1, 1957, to July 1, 1958	14
July 1, 1956, to July 1, 1957	15

(2) Beginning July 1, 1972, notwithstanding any other act to the contrary, the appropriations made in sections 172 and 173 and the benefit increases in section 174 are made subject to the express condition that each member of the Michigan and Detroit public school employees' retirement systems, as defined by section 1 of chapter 1 and section 11 of chapter 2 of Act No. 136 of the Public Acts of 1945, as amended, shall contribute 5% of his annual compensation to his respective system. In no instance shall the annual computed benefits payable to a retirant who retires after July 1, 1972 or beneficiary of such retirant of the chapter 1 retirement system of Act No. 136 of the Public Acts of 1945, as amended, be less than the annual computed benefit under the provisions of chapter 2.

(3) The benefit provisions of this section shall not become effective until January 1, 1973. Pursuant to section 8 of Article III of the state constitution the legislature requests the opinion of the supreme court as to the constitutionality of this section. If this section is declared to be constitutional, the benefit provisions shall be retroactive to July 1, 1972.

Sec. 179. Act No. 312 of the Public Acts of 1957, as amended, being sections 388.611 to 388.652 of the Compiled Laws of 1948, is repealed.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved_____

Governor.

EMERGENCY APPROPRIATIONS

P.A.1937, No. 120, Imd. Eff. June 26

AN ACT to provide for the releasing of appropriations for emergency purposes; to create a special commission on appropriations, and to prescribe its powers and duties; and to repeal all acts or parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

5.1 Special commission on appropriations; members

Sec. 1. A special commission for the release of sums from the appropriations made from time to time for the use of such commission is hereby created to consist of the governor, the speaker of the house of representatives and the members of the ways and means committee of the house of representatives, and the president of the senate and the members of the finance and appropriations committee of the senate, of the state legislature, in which commission shall be vested the authority and administration of the provisions of this act.

Sec. 2. Whenever it shall seem necessary for the commission to consider, pass upon and release appropriations for emergency purposes, contingency or supplementary appropriations for state departments, institutions, boards or commissions, or special state purposes, out of funds appropriated by law for use by such special commission, the governor, as chairman of such commission shall give due and reasonable notice to the members of the commission. The commission shall not have the authority to appropriate money for any purpose that could have been anticipated and made while the legislature was in session, nor for any purpose that has been considered and denied by the legislature. The commission is authorized to transfer appropriations as between institutions and activities under the jurisdiction of the same administrative department, board or commission. A majority of the commission shall constitute a quorum for the transaction of business and no action shall be taken on release of funds from the appropriation made for the use of the commission, except that it be approved by a

majority of the members of the commission: Provided, That the governor may veto any action of the commission at any time within 5 days of such action; and shall so notify the speaker of the house of representatives of such veto: Provided further, That the speaker of the house of representatives shall immediately call a meeting of said commission to assemble in the governor's office within 14 calendar days after notification of such veto, and at such meeting the commission shall vote upon the said veto by the governor, and upon a 2/3 vote of the members of the commission the veto of the governor shall not prevail. Each member of the commission, including the governor, shall be entitled to a vote upon all questions having to do with the release of appropriations.

Sec. 3. The expenses of the members of the commission in attending any meeting of the commission shall be audited by the auditor general and paid from the emergency appropriation fund.

Sec. 4. The governor shall be chairman of the commission. The commission shall prescribe rules and regulations for carrying out the provisions of this act. All requests for funds from any appropriations made for the use of the commission shall be submitted to the governor and to the budget director in writing, setting forth clearly the necessity for such funds and the emergency nature of the request.

5.5 Appropriation for emergency purposes

Sec. 5. There is hereby appropriated from the general fund for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, the sum of $100,000.00 for emergency purposes and to carry out the provisions of this act.

[DEFENDANT DETROIT BOARD OF EDUCATION EXHIBIT JJ]

ANALYSIS OF TRANSPORTATION TO RELIEVE OVERCROWDING
AS PRESENTED IN PLAINTIFF'S EXHIBIT 63

Source: School Housing Reports (1960-70) (Plaintiff's Exhibits 61A, 61B and 64).

V a 170

Date: February 1961
Total Number of Incidents: 52
Number of incidents excluded because statistics lacking: 1

I. Incidents where the % black is the same in the sending and receiving school: 17

a) Number of incidents involving no change where the sending and receiving schools are the same: 11

II. Incidents in which the % black is lower in the receiving school than the sending school: 25

a) % difference between the receiving school and sending school:

i - under 1%: 1
ii - over 1%: 0
iii - over 5%: 2
iv - over 10%: 0
v - over 20%: 5
vi - over 30%: 4
vii - over 40%: 3
viii - over 50%: 10

III. Incidents in which the % black is higher in the receiving school than in the sending school: 9

a) % difference between the sending school and receiving school:

i - under 1%: 2
ii - over 1%: 1
iii - over 5%: 4
iv - over 10%: 1
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 1

V a 171

Date: March 1963
Total Number of Incidents: 37
Number of incidents excluded because statistics lacking: 3

I. Incidents where the % black is the same in the sending and receiving school: 11

a) Number of incidents involving no change where the sending and receiving schools are the same: 10

II. Incidents in which the % black is lower in the receiving school than the sending school: 19

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 1
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 4
vi - over 30%: 0
vii - over 40%: 2
viii - over 50%: 12

III. Incidents in which the % black is higher in the receiving school than in the sending school: 3

a) % difference between the sending school and receiving school:

i - under 1%: 2
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 1
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

V a 172

Date: October 1963
Total Number of Incidents: 19
Number of incidents excluded because statistics lacking: 1

I. Incidents where the % black is the same in the sending and receiving school: 3

a) Number of incidents involving no change where the sending and receiving schools are the same: 3

II. Incidents in which the % black is lower in the receiving school than the sending school: 12

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 1
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 2
vi - over 30%: 2
vii - over 40%: 1
viii - over 50%: 6

III. Incidents in which the % black is higher in the receiving school than in the sending school: 3

a) % difference between the sending school and receiving school:

i - under 1%: 1
ii - over 1%: 1
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 1
vii - over 40%: 0
viii - over 50%: 0

V a 173

Date: October 1964
Total Number of Incidents: 14
Number of incidents excluded because statistics lacking: 0

I. Incidents where the % black is the same in the sending and receiving school: 2

a) Number of incidents involving no change where the sending and receiving schools are the same: 2

II. Incidents in which the % black is lower in the receiving school than the sending school: 11

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 4
vii - over 40%: 2
viii - over 50%: 5

III. Incidents in which the % black is higher in the receiving school than in the sending school: 1

a) % difference between the sending school and receiving school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 1
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

V a 174

Date: October 1965
Total Number of Incidents: 11
Number of incidents excluded because statistics lacking: 0

I. Incidents where the % black is the same in the sending and receiving school: 1

a) Number of incidents involving no change where the sending and receiving schools are the same: 1

II. Incidents in which the % black is lower in the receiving school than the sending school: 9

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 1
vi - over 30%: 1
vii - over 40%: 2
viii - over 50%: 5

III. Incidents in which the % black is higher in the receiving school than in the sending school: 1

a) % difference between the sending school and receiving school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 1
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

Va 175

Date: October 1966
Total Number of Incidents: 19
Number of incidents excluded because statistics lacking: 1

I. Incidents where the % black is the same in the sending and receiving school: 5

a) Number of incidents involving no change where the sending and receiving schools are the same: 5

II. Incidents in which the % black is lower in the receiving school than the sending school: 12

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 3
viii - over 50%: 9

III. Incidents in which the % black is higher in the receiving school than in the sending school: 1

a) % difference between the sending school and receiving school:

i - under 1%: 1
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

V a 176

Date: October 1967
Total Number of Incidents: 31
Number of incidents excluded because statistics lacking: 2

I. Incidents where the % black is the same in the sending and receiving school: 4

a) Number of incidents involving no change where the sending and receiving schools are the same: 4

II. Incidents in which the % black is lower in the receiving school than the sending school: 25

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 1
iv - over 10%: 0
v - over 20%: 1
vi - over 30%: 0
vii - over 40%: 4
viii - over 50%: 19

III. Incidents in which the % black is higher in the receiving school than in the sending school: 0

a) % difference between the sending school and receiving school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

Date: September 1968
Total Number of Incidents: 35
Number of incidents excluded because statistics lacking: 3

I. Incidents where the % black is the same in the sending and receiving school: 6

a) Number of incidents involving no change where the sending and receiving schools are the same: 6

II. Incidents in which the % black is lower in the receiving school than the sending school: 26

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 2
iv - over 10%: 1
v - over 20%: 1
vi - over 30%: 0
vii - over 40%: 5
viii - over 50%: 17

III. Incidents in which the % black is higher in the receiving school than in the sending school: 0

a) % difference between the sending school and receiving school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

Date: October 1969
Total Number of Incidents: 25
Number of incidents excluded because statistics lacking: 1

I. Incidents where the % black is the same in the sending and receiving school: 3

a) Number of incidents involving no change where the sending and receiving schools are the same: 3

II. Incidents in which the % black is lower in the receiving school than the sending school: 20

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 1
iii - over 5%: 0
iv - over 10%: 1
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 3
viii - over 50%: 15

III. Incidents in which the % black is higher in the receiving school than in the sending school: 1

a) % difference between the sending school and receiving school:

i - under 1%: 1
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

V a 179

Date: October 1970
Total Number of Incidents: 24
Number of incidents excluded because statistics lacking: 5

I. Incidents where the % black is the same in the sending and receiving school: 4

a) Number of incidents involving no change where the sending and receiving schools are the same: 4

II. Incidents in which the % black is lower in the receiving school than the sending school: 14

a) % difference between the receiving school and sending school:

i - under 1%: 0
ii - over 1%: 0
iii - over 5%: 0
iv - over 10%: 1
v - over 20%: 3
vi - over 30%: 1
vii - over 40%: 0
viii - over 50%: 9

III. Incidents in which the % black is higher in the receiving school than in the sending school: 1

a) % difference between the sending school and receiving school:

i - under 1%: 0
ii - over 1%: 1
iii - over 5%: 0
iv - over 10%: 0
v - over 20%: 0
vi - over 30%: 0
vii - over 40%: 0
viii - over 50%: 0

DEPOSITIONS

NORMAN DRACHLER

[13] A. Right, and it's still true to a very large degree in 1970. At least their policy is to go in the other direction.

Q. When was the Carver District in existence as a separate entity?

A. The Carver District? The Carver is not in Detroit.

Q. Is it a separate school district whose students attended some Detroit high schools, in particular Northern?

A. Oh, I see what you're referring to. I am told that back in '57, '58, at that time I was not in Central Office, there were some students from Carver District who did not have a place for adequate high school facilities. An arrangement was made with Detroit for the Carver students to come in on buses and go to Northern High School. Now, the nearest school to Carver was Mumford at the time. And they did go past Mumford towards Northern.

Q. Is Carver a black district?

A. Yes, black and very poor.

Q. Has Carver District subsequently merged with Detroit?

A. Oak Park.

Q. With Oak Park?

A. That's right.

Q. And at that time the transportation was terminated?

A. That's right. By the way, as a result of those youngsters coming, there was a rumor spread that Detroit children[14] were being bussed, say, from the Higginbotham, which is north – Higginbotham area which is north of Mumford High School area but in Detroit, that they were being bussed to Northern, too, because they were black students, people saw black students from the Eight Mile area coming down. But to the best of my knowledge these were outside students.

Q. There were black children being bussed to Higginbotham, weren't they?

A. There were black children being bussed to Higginbotham.

Q. From Angell?

A. From Angell past some white schools. And when the issue was brought to Doctor Brownell's attention by me in about '59 or '60 – there were a series of instances like that. There was the Angell, there was from the military for in the southwest, they were bussing their own children up to the Noble, and Doctor Brownell, as soon as it was brought to his attention, abolished that as well as the optional areas.

Q. Was this so-called intact bussing, that is a class being brought as a unit?

A. Generally speaking, yes. That policy of changing to geographic bussing occurred about '62-'63 as a result of the Equal Education Opportunities Committee.

Q. Was all of the bussing done in the City of Detroit of an [15] intact nature until the Equal Opportunities study?

A. To the best of my knowledge it was. I know when my children were being bussed, they were bussed intact.

Q. Were they kep separated within the school with respect to other activities as well as the classroom? I'm not necessarily speaking intentionally, I'm talking about as a practical –

A. They very often took, let's say, a section that was from a school that was overcrowded and moved that classroom intact, say, to the Clinton School and there they went to school with their former classmates. This was during the later 40's and early 50's when the northwest and the northeast was being just overwhelmed with new houses and school buildings were not up.

Q. They were bussed back into the central city?

A. Yes, they were bussed southward.

Q. Would this be mostly white students at that time?

A. Oh, yes. Oh, yes.

Q. Were they bussed mostly to white schools?

A. Oh, yes. Without exception as far as I know.

Q. Was there some feeling in the administration in the 60's against bussing children, I think the phrase is used, back into the neighborhoods they moved out of?

A. Definitely.

***

[2] . . .

DR. NORMAN DRACHLER:

Called as a witness by defendant Detroit School Board, and being first duly sworn by the Notary Public, testified as follows:

[30] . . .

In 1940 Detroit was 69 per cent of the metropolitan population but notice we dropped 8 points by 1950. This area had a bigger drop between '50 and '60. It dropped down to 44 and in 1970 we are about 36 per cent. So there has been a steady migration evidently, or change in the shift of population because we have dropped about 400,000 from 1950 to 1970 or 350,000 in population.

Q. Doctor, for the record this chart that you now display to all of us reflects that the Detroit population comprises 69.5 per cent of the population in the Detroit metropolitan area in 1940?

A. Right.

MR. LUCAS: Can I understand whether he means as defined by the census when he says metropolitan?

MR. BUSHNELL: Good question.

Q. What do you mean by the Detroit metroplitan area, sir?

[31] A. I used the federal standard metropolitan area which involved several counties.

MR. LUCAS: Thank you.

Q. Follow that through, the correlative figure is 30.5 per cent in 1940 of so-called suburban population, that is, outside of Detroit?

A., Right.

Q. By 1970, however, the Detroit population constituted but 36 per cent of the metropolitan area and the suburban population 64 per cent?

A. Right.

Q. I think it is also interesting, Doctor, to show the population figures, Detroit's population in '40 was 1,623,000.

A. 1,850,000 in 1950.

Q. ,In 1950?

A. 1,850,000 but in 1970, 1,511,000. The suburban population has gone from 714,000 in 1940 to 2,692,000 in 1970.

Q. The Detroit population in the 30-year period has decreased by but 112,000?

A. Correct.

***

[45] Q. There was a chart in that report, was there not?

A. Yes. The explanation that Personnel used to give was that teachers were assigned to areas closest to their home and this accounted for the places where teachers taught.

This chart which is in the report opposite Page 78, is entitled Racial Distribution of Teachers and Pupils.

Q. That report is an exhibit.

MR. LUCAS: Plaintiffs' Exhibit 3.

MR. BUSHNELL: Thank you, sir.

A. That demonstrated that by and large an all white staff meant predominantly, or an all white student body I mean meant an almost in all instances an all white staff. On the other hand, below 100 per cent there was the distribution of black teachers which was, generally speaking, in relation to the high percentage of black students.

The committee finally came in with its recommendation that, and although there are various sections, Mr. Bushnell, in this report, the one on staffing occupied the major portion of the committee and was the chief thrust of the discussion when the committee made its presentation to the Board although there are chapters dealing with curriculum and instructional improvement organization, administration and so on.

[46] The other major recommendation in this committee's report was that bussing to relieve overcrowding should not be on a grade basis as it was done at that time but on a geographic basis so that the youngsters that are bussed can be integrated more successfully in the school which is receiving them.

Q. Let me interrupt at this point, Doctor. There has been testimony in this case about various types of bussing, intact bussing, bussing by grade and geographic bussing. Will you please

tell us what those terms mean and what the district was doing and when?

A. If I understand intact bussin it referred to the kind of bussing that was prior to Dr. Bownell's recommendation that we bus to the nearest school. It was the kind of bussing that went on between 1940 and 1956 where a school was not yet built or was overcrowded. It was generally a predominantly white school or sometimes a predominantly back school.

The children in a given classroom were moved in to to a school that had space. Sometimes they were even moved with their teacher. This is what I refer to as intact bussing.

Q. What happened to them when they got to the receiving school?

A. At the receiving school they were in a homeroom by themselves [47] went to special classes. The only time they came in contact with children of the receiving school might have been during a gym class or an auditorium class where there was more than one section, for instance, well, I can be personal – my son was moved from the Vernor to the Clinton. The Vernor wasn't finished yet, so the whole classroom was moved and the homeroom teacher they had went with them or the one they were to have rather. Then they were brought back. The Vernor at that time was an all white school but it was the socio-economic status I am sure which concerned the parents, the lower socio-economic status.

Q. At the Clinton?

A. At the Clinton, yes. So there was the fear and the charge that the children couldn't be challenged if they were just distributed in the schools. Then came the bussing to the nearest school.

Q. Why was that practice of intact bussing discontinued?

A. Well, I don't know of any direct policy. When that was done or carried on I was not in the central administration or involved as a principal. I do know that there was a charge made about the Angell School where the children were black and they went by a number of white schools all the way to the Higginbotham near Eight Mile where there was space. Whether that was intact or not I don't know but it [48] was black with black.

At Northern High School where we had space some black students were brought in under a lease from the Carver School District. That was before Carver became a part of Oak Park.

Q. Or Royal Oak Township?

A. Or Royal Oak Township, that's right. Because they went by Mumford down Wyoming and there were some who thought that we were bussing Detroit black students from the Mumford area all the way to Northern. To my knowledge that was not true. The contract for Carver, if I am not mistaken, had been started when it was not necessarily with Brownell's involvement but when he became aware of it he asked that it be discontinued.

The rationale for not doing it at Mumford which was the nearest school was simply that Mumford was much more crowded, from what I understand, than was Northern and that is the reason they were being bussed there. But nevertheless, that was discontinued and that problem was resolved.

***

[143] . . .

Q. Doctor, you have described what happened to education, what happened to the pupil population of the city, you described socio-economic factors that afflict a significant portion of the pupil population of this district, you have also indicated that the Title I experience would show that if there is increased educational service and intensified educational service there can be improvement in the student's performance and achievement. You also told us the non-Title I schools in the last year or so have been going down in achievement level. I assume, though you didn't say so, because of the proliferation of lower income and lower SES pupils throughout the city being concentrated as they were.

All of this you demonstrated in the last hour or so that we have been talking together. There is testimony in this case that given the poverty of this district or poorness of a substantial number of pupils in the district [144] and given the low SES of a substantial number of pupils in the district that the best educational result can only be achieved if those students are exposed to higher SES students in a ratio of approximately, according to one witness, 60 per cent high, 40 per cent low or at least 50/50.

It has also been suggested that the one effective way of achieving this educational or making such educational progress and enhancing the educational program delivered to the children of this district is to enlarge the district, eliminate the conventional city boundaries of the district, and incorporate higher SES kids and by almost assuming a definition, more white kids in a so-called metropolitan school system.

Do you have any comment that you would wish to make about that suggestion?

A. First, I believe in the need for metropolitanism from the standpoint that even as late as last week our Board involved in appointing a selection committee for the superintendency of the city was debating the issue as to whether or not you have on that selection committee people who live outside the city or not. Because the professional and business leadership of this city work within the city but reside in the suburbs, that it makes them much less effective leaders for bringing about the change in the central city than in the areas where [145] they live. Most studies of millage elections indicate that Jack Jones doesn't decide how to vote on millage on what the president of one of the Big Three says but what his next door neighbor tells him, so that if central cities are to survive for financial, for political and leadership roles we must have closer ties with the metropolitan area.

Secondly, I believe, I would like to believe, that the metropolitan area can't survive if central city is allowed to deteriorate or decay. They are very interdependent.

Thirdly, based on studies made of suburban communities and children, if the democratic values of America are to survive, some bridges and linkages have to be made and they would have to be done between the central city and the suburban area.

It isn't going to be done just by a group of volunteers coming in from the suburbs and helping out with tutorial programs as much as I appreciate it. People can communicate best only when they share experiences that are rough and meaningful as well as pleasurable. So that I do believe there is something about metropolitanism and something about the whole area of integration that is not completely the same but has some comparisons with the past 50 to 75 years of efforts by the rural areas to bring about school consolidation.

[146] The rural farmer, not any different than the poor black, believed that his youngster would get a better education through a consolidated school system which embraced a larger area but which also would bring his kids in contact with city-folk kids and a broader area of SES participation. It had nothing to do with race but it was opportunity.

This country not only encouraged it but even offered awards for consolidation. States held out large sums of money to school districts. Whether it is politically feasible today in a sense, even possible or desirable, to force parents in suburbia to bus back to the innercity I would be of the opinion it is as difficult to imagine as to ask the black parents in Mumford to go back to the King School area because we want to provide them a better SES, you know.

Possibly we will have to suffer many more defeats in the state legislature before the blacks and the whites in suburbia will even want to talk about joint efforts because at present I am sure the blacks will say, "Just when we have reached the stage where we can about elect our own mayor and our own city council and our own superintendent of schools you say to us, "Let's unite." They will say, "Why didn't you say it 20 years ago when we wanted to."

So I think it's a very difficult political problem right now. I believe that both suburbia and the central [147] cities are going to have to suffer. Suburbia is beginning to suffer – they will have to suffer for some time before they realize the common interest that has to hold them together against a domination of a rural legislature and a rural congress, then they may unite and begin talking about educational joint facilities for common causes as they have talked about highways, the water supply and as they are going to talk about ecology in the next few years.

So I do think metropolitanism ultimately will have to be an answer but I think if and when it comes it will not, just as the idea will be novel, I think the solutions to it may be creative ones that do not involve our present pattern of how we think education could be improved. I think there might be centers running along Eight Mile Road just as the shopping malls maybe and I don't want to call it an educational park, there may be some other measure. There may be a system of a halfday of school experience and other halfdays in other areas or it may be on a 12-month basis.

I think and I am no expert, I am just guessing like anyone else, I think basically the partners in education have reneged. We originally thought of a system where it would be local control-state support and, frankly, the conditions today indicate that the public has reneged, the state legislatures have reneged, they are not meeting their [148] responsibilities. The conditions, however, in the country are so serious in terms of education and other welfare needs that I don't believe that this country can allow fifty states to muddle through the solutions to the educational problems that we have and I don't think we have the talen or the resources in this state.

I think the only one that has that talent and that resource is the Federal Government. When the Federal Government will finally come to the fore on this and I think it will in the next 10 or 20 years then inevitably metropolitanism will be one of the conditions and integration, in my opinion, will be one of the conditions or prerequisites that they will set as some of the solutions towards our educational problems.

I think America is pragmatic enough as a people to retape what we have called local control, which I believe is a myth, and to squeeze out from federal planning and thinking and resources the most pragmatic kind of plan which will on the one hand enable the schools to continue to operate in accordance with American democratic values, and at the same time leave enough control at the local level which will be more meaningful control than the kind of local control we thought we had for 40 or 50 years.

My belief is that it is necessary, that it [149] will not come voluntarily but it will come about as a result of the financial bankruptcy and moral bankruptcy that the American school systems are facing in the next decade that they will have to throw themselves almost on the mercy of some national planning and within this national planning there may come some metropolitan grandiose operations which will answer some of the questions that are being raised.

I don't think we have suffered yet enough to do it on a voluntary basis.

Q. Doctor, in giving this answer, I assume that you are supportive of the opinions of Dr. James Guthrie and Dr. Stuart

Rankin that the best educational service can be provided those educational situations where there is a preponderance or majority of higher SES kids and a minority of low SES kids and as an incident to that racial and cultural and religious integration wherever possible. Is that a fair assumption?

A. I didn't hear Mr. Guthrie nor read his statement. I do know Stuart Rankin. When we speak of SES I think it is assumed that we think of it in terms of merely dollars that parents have. When I speak of SES I think of the difficulty and handicaps and conditions that low SES places upon children.

Q. I think there is substantial agreement.

A. Basically it is this difficulty that when one sees one just marvels at the number of children that can overcome it and [150] still survive and if these conditions obviously were improved, if they were intermingled I think we would have some improvement but we have to remember that there is still individual differences between children as well as between teachers and that within a single family. Not all children achieve the same way but when we look at the low SES areas then we know that as a large group we are failing. It's not the exception and the failure–well, I discussed that before. I think part of it is due to the school shortcomings and a major portion of it is society too, that has to assume a responsibility.

Q. Assuming arguendo, Doctor, that this district was under a court order to improve the SES mix and desegregate the system that is 65 per cent black and 34 per cent white to achieve the best educational results, my first question is could this district do it by itself? My second question is, if it involved a metropolitan system could this district accomplish that metropolitan system on its own and, if not, what help would it have to have?

A. Obviously this district does not have any authority over the metropolitan area. Unless the courts were to order–I am assuming you mean they would order the metropolitan district as well as us.

Q. Your answer is we couldn't do it ourselves without intervention of others?

[151] A. Definitely not. Within the city I am concerned that unless the district were reinforced by an amount of educational ser-

vices that would almost be double of what we have now we could not reassure black middleclass or white middleclass parents that the quality of education would remain, would not suffer.

I have a feeling that the majority of parents are not bigots. I think there is a minority of bigots, sure. I think the majority are honestly fearful about safety, about the stereotypes they have of black students which are sometimes very often false.

Q. And of white students?

A. Yes, the same way, less so because remember 5000 to 7000 black students have chosen open enrollment schools but not 50 white students have chosen black open enrollment schools. In the very fact they haven't chosen it I feel integration is a need because they haven't chosen it on account of historic patterns about black and white which have been engrained into them, into their parents lives and so on and this is the sadness about the black youngster feeling that he is unwanted because wherever he turns seems to tell him that, so that within the city we have greater limitations unless we would have really the kind of resources that would definitely provide the services.

Remember, Detroit unlike New York and Washington, [152] D. C., is one of the few predominantly black cities, black majority, as far as schools where the black middle class has not yet left. Probably the housing noose around Detroit is much stronger than it has been in other areas, I don't know, but for one reason or another the black middle class is still here. The black middle class has the same worries as the white middle class about their child's education.

In order not to have them leave the school system or the city we would have to have some very outstanding showcase education programs in order to convince both black and white that this court order means not merely integration and quality education but as a result of the services and as a result of integration it will even be better education than you ever had before. Without that you can't quarantine people in the city and tell them they have to stay there.

I will give you an example of that: An issue was raised in the state legislature recently about passing a law that said all teachers must live in Detroit. That was bandied around last week at a state

legislative commission where I had to appear and this question was raised. The observation was made, "Look, we are just about reaching the stage where Detroit has 50 per cent black teachers. Up until we were 50 per cent you said a teacher in Detroit could live anywhere they pleased, but now that finally black teachers [153] have made it are you going to say to us they must live only in Detroit?" This was said by a black person.

By the same token we are not going to put a ring around the black middle class. I believe now, as I believed on April 7, that in a heterogeneous society integrated education adds a dimension to quality education which is lacking without it. I do feel SES has an impact on it. I do believe, however, that a certain number of people, although a certain number of people will accept a judge's order and comply with it that there will also be those that unless the services are enlarged and expanded and approved that they will undoubtedly, both black and white, turn to private education or leave the city.

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CROSS EXAMINATION BY MR. LUCAS:

Q. Aren't you faced with precisely the problem you last described now, deteriorating services because of the economic problems of this destrict?

A. Yes, we are.

Q. Mr. Bushnell asked you who you would need or what assistance [154] you might need should the Court order integration and you said you would need considerable should the Court order metro. Would you not need the full resources of the State of Michigan?

A Well, we certainly would to survive either way, but when a change is contemplated my feeling is that we will simply need more.

Q. You would also need whatever federal assistance might be available to a school district desegregating?

A. Yes, sir.

Q. Doctor, you talked several times at these depositions about Cass and what you feel was an unwholesome effect of whites clearing out of a number of innercity schools what few whites were going to Cass. As plaintiffs we have some figures from

you as to the numbers of white children going to Cass from particular schools. You said this had a bad effect on the school because of educational leadership provided by students of this quality, is that correct?

A. Yes, I have concerns about it.

Q. In that sense doesn't Cass serve as a place for high track kids, kids who have high levels?

A. Yes, you have to have a C or above.

Q. Cass is Track A for that central city area. If you can have that kind of grade you usually end up going to Cass, particularly if you are white?

[155] A. That is no longer true today because 60 per cent of the youngsters are black.

Q. That's right but you also have a large number of whites from otherwise predominantly black schools in the area who also go to Cass?

A. Yes, as well as blacks from integrated schools, schools that are tipping the 90 per cent mark.

Q. Are you generally familiar with Wayne County and the relationship of the Detroit Board to the intermediate district?

A. Moderately.

Q. From your knowledge of these charts and exhibits which include the metropolitan area, would you agree with this statement which appears in a Title 4 study, Desegregation Advisory Project, Civil Rights Act of 1964, by the Wayne County Intermediate District?

MR. BUSHNELL: The author?

MR. LUCAS: The author of the study?

MR. BUSHNELL: And director of the project.

MR. LUCAS: Mrs. Clara A. Brodhead. The grant was to the district.

MR. BUSHNELL: She was director of the study as well.

MR. LUCAS: Yes, you are right.

Q. The statement, "Outside of Detroit 99.7 per cent of Negro [156] children of school age in the county attended schools in

nine districts; thus 33 districts have virtually no Negro children in attendance." Do those figures fit the facts as you know them?

MR. BUSHNELL: What was the date of that study?

MR. LUCAS: 1967 was the date of the report.

A. As far as I know she is probably correct although in '67 there was not yet a state racial count so evidently she is depending on, if I'm not mistaken, I don't know whether there was one in '67, if that was published in '67, she must have obtained it from other data from the county rather than from the state but I'm not positive. What is the thrust of your question behind that?

Q. I am just trying to confirm some of the data that is apparently reflected by your maps.

A. I think there were two or at the most three statewide racial counts - 1970, 1969, if there were three it would be 1968. Anything before that I think must have reflected individual racial counts for which I would not have any data.

Q. Has the state acted particularly through the Wayne County Intermediate school district in the past to require consolidation of districts, usually those without a high school?

A. Yes. The state has encouraged consolidation for public education while it has encouraged decentralization for Detroit [157] and parochial education. In the very last bill the governor had he had one section, an indorsement providing aid for parochial schools which are very small enrollment schools and can not operate efficiently and in another part of his bill he had a proposal for consolidation. The 21 schools that were closed in Detroit that were private schools have a total enrollment of 5100 students. That gives you some idea of their numbers so the state constantly makes efforts for consolidation.

MR. BUSHNELL: On a selective basis?

A. Yes.

Q. In 1960-61 there were suggestions made that the Board draw zone lines east and west rather than north and south in order to provide for more integration.

MR. BUSHNELL: If I may interrupt, Mr. Lucas, are you referring to Mr. Henrickson's report to the School Desegregation Committee?

MR. LUCAS: That is '67.

MR. BUSHNELL: This is what?

MR. LUCAS: '60-61.

A. By whom are you referring to?

Q. You made a reference to it in your testimony today.

A. When I said that I was referring to the 1958 report or recommendation of the Citizens Committee which said that the lines [158] should be drawn in a manner that would bring together children, rather than separate them. I used east and west versus north and south simply as examples where there, where this could be done.

Q. Dr. Drachler, I can't give you the date because we don't have the exhibit here but in the committee reports from the Equal Educational Opportunities Committee there is a statement made by you much to the same effect as the statement here today, that this was a method whereby integration could be achieved.

A. Yes, I still contend that it was.

Q. The April 7 Plan is an implementation of that?

A. The April 7 Plan was definitely a situation whereby drawing the lines east and west rather than north and south we achieved, in my opinion, integration.

Q. In discussing the '58 report you spoke of a decision to build K to 8 schools was influenced by larger groups of kids in the eastern and western portion of the city, is that correct?

A. The only district that did not want– of the eight or nine in the Citizens Committee–a 6-3-3 plan was the northwest district committee. All the others wanted 6-3-3. The Citizens Committee proposed 6-3-3. The school district after World War II built K through 8s, I believe for economic reasons. Later on parents, I think, wanted to retain them as K through 9 for other reasons.

Q. What other reasons?

[159] A. The fact that the junior high school neighborhood is a much wider one than is the elementary one so you keep more of your own in one building when you have a K through 9 than when you have a separate junior high school which extends over four or five elementary schools.

Q. In that context more of your own could include race, social class or religious or other ethnic groups?

A. That's right. Most of our k 9s are in the northeast and the northwest.

Q. Actually the Board master plan for the City of Detroit of 1950 including schools, indicates policy dicisions made as early as that time with reference to these K-8s. Were they built around that time?

A. Yes, between about '46 and '57, up through '60 even.

Q. Since you have expressed fairly firmly opposition to tracking and since there seems to be difference of opinion about it from the High School Study Commission report and others, would you indorse or have any opposition, as an administrator, to a requirement in a court order that there be no tracking, and I say to you the court in San Francisco put that in as a requirement without dealing in any great detail of the issue. As an order would you support such a thing?

A. I certainly would support it. It is not an educationally sound procedure.

[160] Q. That is really what I wanted an answer to, the other gets into a lawyer's argument.

A. Whether the court should do it or not I don't want it because it is not educationally sound.

Q. Doctor, assuming that the court does order full desegregation of the Detroit School System, would the task of desegregation in achieving and achieving some of the other measures such as good education as you describe be assisted in terms, particularly in providing population groups by the requirement that the metropolitanization extend only to those school districts presently contiguous to the boundaries of the Detroit School District?

MR. BUSHNELL: Doctor, I ask you to look at the map in your mind's eye.

A. Yes, I am doing that.

Q. Let me ask the question in two parts; 1, limited to Wayne County and, 2, not limited to Wayne County, perhaps that would simplify it.

A. Well, I don't believe that the contiguity alone should be the criteria. Obviously you know we have in Detroit, Highland Park and Hamtramck which are surrounded by us.

Q. They are inner-contiguity, I am assuming that, Doctor.

A. Yes, but seriously I think it ought to be done on the basis of a master plan which needs to go beyond the immediate areas [161] because if it is to survive I don't want Eight and Nine Mile Road to become what Six to Eight Mile Road has been in the past five years.

Q. A little longer reach?

A. I want a longer reach, yes, and a decision or at least an acceptance on the part of our people that, "Look, we have to stop running. We are past the stage where we were always seeking for new frontiers" and resolve our problems where we are rather than think that we can resolve them by moving from the East Coast past the Alleghenys and past the Mississippi and finally we end up in the craziest spot of all - in California. So I want a longer reach by all means.

Q. Doctor, would you say that the State of Michigan is essential to solving the problems of the school district of the City of Detroit? Let me say it another way: Can it be solved alone?

A. No, definitely not in the context of your former question. Let alone that, even if it were to be done within the city the state would, the State of Michigan would have to provide various resources to make it possible.

Q. If you did not have the present state funds that you get every year could the school district be operated at all?

A. No.

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[4] . . .

HAROLD WAGNER

having first been sworn by the notary public to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION BY PAUL DIAMOND, Esq.:

Q. Mr. Wagner, could you state your full name, please?

A. Harold Wagner.

Q. And what is your position?

A. Supervisor of the Pupil Transportation Section, Michigan Department of Education.

Q. How long have you held that position?

A. With increasing responsibilities, some 12 years.

Q. What do you mean by "increasing responsibilities"?

A. In the beginning, I was an Assistant to a Supervisor, but in the last five years I have held the role.

Q. What are the responsibilities of your office?

A. Other?

Q. Of your office, what are they, basically?

A. My responsibility is to establish the rules for the District distribution of State School Aid for transportation, assist School Districts in their interpretation of these [5] rules, to make whatever decisions are necessary to protect the interests of the State, the public in-pupil transportation. It would include the area of safety, as well as the area of the economics of pupil transportation.

Q. Are you involved at all in assisting in the purchase of transportation, design transportation systems or of advice where routes should be drawn, how they should be drawn?

A. In the sense that we finance approximately 75 percent of the cost of transportation, that we write the specifications under which school buses are purchased, in the sense that we have a responsibility for the – the school bus route and the adequacy of the transportation, we do have this responsibility.

Q. Could you explain a little more fully what you mean by specifying or setting specifications for purchase, and also for setting routes?

A. We – we prescribe the manner in which school buses are to be manufactured for use in Michigan. We have the authority to overrule the local School District on its selection of school bus reoutes and on the manner in which school bus routes are established.

Q. Do you then review every school system's transportation system?

A. We do not. We – wherever there are problems that are referred to us, we would look into these problems.

Q. Who refers the problems to you?

A. The problem might be referred by a school official. It might be referred by a dissatisfied citizen.

Q. What did you do before you arrived 12 years ago to handle transportation?

A. I have had varying responsibilities in the Department of Education, including that of Special Education, of the area of school financing, distribution of State Aid. I think that would cover it.

Q. And when did you first arrive with the State Department?

A. In 1947.

Q. And what did you do before then?

A. I have been variously a teacher, and a Director of – of Education in the civilian Conservation Corps camps and at one time an employee of the Dow Chemical Company in an administrative responsibility.

Q. What is your educational background?

A. I have a Master's degree in Education, in Educational Administration and have some education beyond that point.

Q. In the 12 years since you have been involved in transportation, are there any types of courses or seminars or nationwide conferences that you attend to keep up with [7] current trends in the country?

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[10] . . .

THE WITNESS: Which provides for distribution for the most part to School Districts located outside of a city limits and for children who lived more than a mile and-a-half from the school they attend. This State Aid Act makes certain exceptions to this, the exceptions being to former rural-agricultural School Districts, to former township School Districts, to children who live within a city but are transported over routes which extend outside of a city or into township territory and return to the city or – or to schools outside of the city, to other situations in which a transportation of

municipality is contained in a School District which has no facility, no educational facility [11] within that fraction or municipality. The children are transported into a second municipality for education.

Q. By way of example on Exhibit 1, is Pontiac a city?

A. Yes.

Q. And yet Pontiac is reimbursed some $58,000.00. How would that – how would they get reimbursed?

A. The School District of Pontiac contains an area larger than the City of Pontiac and for the children who live outside of the City, their transportation is financed in part by State Aid.

Q. But if the child lived within the City of Pontiac and was bused the same distance, the transportation would not be paid unless he happened to go outside the City limits?

A. That is right.

Q. Now, you mentioned that you also got reimbursement if the child lived in the city, crossed a city line and then came back to the city?

A. Yes.

Q. Could you give me some examples of how this happens or where it happens?

A. May I illustrate it on the blackboard?

Q. Yes.

MR. KRASICKY: You might describe what you are illustrating so the record will show what you are [12] doing.

THE WITNESS: (Illustrating) We have a pupil living –

Q. (MR. DIAMOND) Could you describe what you are drawing on the board?

A. Yes, I have drawn an L-shaped diagram, indicating this block L as a city. A child who lives at the inner corner of this L is transported on a road to a School District located at the second portion of the L, and his route, the situation being that the shortest available route to him requires that he leave the city and then return to the city in which his school is located. He becomes eligible by having gone through township territory.

Q. Do you have a limit that it has to be, the shortest route to avoid –

A. The shortest available route, yes.

Q. Could you give some examples of where that happens in the State or how often it happens? How many pupils become eligible under that type of in-and-out situation?

A. I can't tell you how often it happens. It is not of considerable importance, I believe, although we have situations in Flint, in Howell, Michigan, Cadillac, Michigan. There may be situations of minor nature wherein it so happens that the school bus route follows a city [13] boundary and where the bus travels on the township side of the road on one part of the trip and on the municipal part of the route. Their eligibility is provided by having been in the township.

MR. KRASICKY: You want to go off the record?

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) If you could stay up there, I want to test a few other examples with you.

A. Yes.

Q. Now, you mentioned the Pontiac School District. The Pontiac School District is larger than the City of Pontiac?

A. Yes.

Q. So that if a child goes to school, for example, within the City of Pontiac, he lives within the City of Pontiac, and goes to Junior High, say, located outside of the City limits, he then becomes eligible, is that correct?

A. If the school were located outside of the City, he would become eligible, or if the child in this situation became eligible –

Q. Let me ask you another question, along these lines.

Simply, if it is a situation where the School District boundaries happened to be coterminous with the City limits if the child then went to an [14] educational program outside the City, he would also be eligible?

A. Yes, yes. The eligibility would be acquired if he left the City and went through Township territory. If there were two cities

side-by-side, we would – we would consider that they were still within municipal territory.

Q. Now, if a child – do you have examples in the State now where that happens where you have a child in one School District in a City going to an educational program outside of his City and his District?

A. I am –

Q. For example, Special Education services?

A. What I am talking about does not pertain to Special Education. Special Education is an exception. There are none of these boundary rules that do apply to transportation of Special Education pupils.

Q. For example, if you had a School District that was outside of the City limits and had hypothetically a K through 6 program and then at the 7 through 12 program were going to a school within the City, they would be eligible.

A. I didn't follow you.

Q. If we had a K-6 School District outside City limits and from 7 through 12, if they are transported to a Junior High School within the City –

[15] A. No, if we move to another City, they would be eligible.

Q. If the K through 6 School District is outside of City limits and the Grade 7 through 12, those children then go to a school within the City limits, although they live without, are they eligible?

A. Yes.

Q. Are there situations like that in the State?

A. Oh, yes. It is probably a usual situation. The School District is – the school buildings oftentimes are located, or are usually located in villages. The children living within the Village are not eligible, but children living outside this Village that are being transported in either from the Township area or from other villages become eligible.

MR. KRASICKY: Can we take a couple-minute break?

(Whereupon a short recess was taken.)

Q. (MR. DIAMOND) Mr. Wagner, follwing along on the – whether a child is eligible or not, in Detroit if a child rode along Eight Mile Road, let's say, and Eight Mile Road straddles the border between the City of Detroit and some of the suburban cities and towns, would that child be eligible for reimbursement?

A. The fact that he rode along that road wouldn't make him [16] eligible. The question would be, is it the shortest route available to him, that he takes a route that takes him into a Township.

Q. Would Eight Mile – if it is the dividing line between the Township and the City of Detroit, and he was required to ride along Eight Mile, would he have to cross the yellow line or something to become eligible, in the middle of the road?

MR. KRASICKY: Let's go off the record.

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) So it is either going or coming?

A. That is right.

Q. Thank you. In Exhibit 1 it speaks about bus capacity. Could you explain what that figure means?

A. Bus capacity?

Q. Yes.

A. What we have done here, buses are typically 66-passenger buses. What we have done here is mulitply the number of buses in the first column by 66 and arrived at a capacity for that system.

The second, the last column, we provided for your information to indicate –

Q. Let me interrupt there, so what you have done is basically [17] multiply the number of buses by 66 to get a bus-capacity figure?

A. That is right.

Q. Okay. Thank you.

A. And to indicate the use of the bus by that particular system we – we divided this capacity by the number of passengers which were transported and arrived at a – the bus use, so as you will see in this column, there are many School Districts which were sending the buses out a second or third time in the

transportation of children and this – this procedure provides for a reduction of the cost of pupil transportation.

Q. Now, I take it, then, what you are – you have another column labeled "Passengers". You divided, then, passengers by –

A. Capacity by passengers, yes.

Q. And that gives you your bus use?

A. That is right.

Q. Now, are the numbers listed under Passengers in that column – do they reflect only eligible passengers or all passengers?

A. All passengers.

Q. All passengers?

A. All passengers reported to us, yes.

[18] Q. Now, do School Districts not report to you some of the people they are transporting?

A. It is conceivable a School District could have two bus fleets, one bus fleet which is used to transport ineligible pupils, pupils for whom no State Aid may be granted, and another fleet for the transportation of eligible pupils.

Q. What if a School District charters buses for eligible pupils rather than purchases them?

A. We have very little of this practice in Michigan and . . .

Q. Would that number be included in the passengers?

A. Yes, they would be in the number of buses. If the buses are chartered or leased by School Districts to carry on this function, they would be in the list of buses here.

Q. I see. I notice that the School District of the City of Detroit is not listed here, yet they do transport some children by chartered buses in the City, is that right?

A. Yes, largely handicapped pupils.

Q. Why aren't they listed in this Tri-County list?

A. We haven't – first of all, we don't accumulate information relating to transportation of handicapped pupils in these terms, because of their varieties of services that are often given to the transportation of the handicapped pupil. For an example, a pupil

living in School District A may be picked up on a regular bus route, mentally handicapped, [19] but his sister is with him and he can be transported in a regular school bus route, but he attends the School District at some distance and he may ride in a special vehicle to – to a second location or even a third location where they are in a shuttling operation or in a gathering operation and it has not been necessary or even feasible to try to assemble information relating to these small numbers of people in these unique kinds of situations.

Q. Hypothetically, within the School District of Detroit, if they chartered buses to transport several thousand children for safety reasons, of one kind or another, would they appear in any totals or Tri-County totals?

A. They would not.

Q. Is that true for the Districts that are listed here, for example, Pontiac, if they had transportation for safety reasons, would that be given in the totals here?

A. Very likely they would not. It is possible that a School District might report its ineligible buses along with its other buses, but it is very likely that these are not included in this data. To my knowledge, the School Districts we have here, with the possible exception of Detroit, have little or no in-city transportation.

[20] Q. So that this would be a conservative estimate in terms of if you included Special Education, charters for safety reasons or similar types of things, this would understate the total to some degree?

A. Yes. What we have here is for the most part State reimbursable transportation and this is by far the greater bulk of the transportation in this area.

Q. On page two of Exhibit 1 you have a column at the bottom listed "State Totals". Are those the State totals or the totals for the Tri-County area?

A. State total.

Q. Do you have totals for the Tri-County area?

A. I don't. These columns could be added.

Q. Okay. Do you have any rough estimate of the percentages of students throughout the State who are transported at least in terms of, as you suggested, eligible-reimbursable children?

A. There's some variation, but in the area of 35 percent of the children are – are transported.

Q. Do you have any documents or knowledge about the maximum time and distance anyplace in the State that children are transported?

A. We have information from one School District that – that the Tahquamenon area schools transported children from [21] 57 miles away and Tahquamenon area schools indicated that the maximum length of time taken was 81 minutes.

Q. Is that one-way?

A. That is one-way, that is right.

Q. Could you tell us where you are getting that figure from?

A. In 1969 we – I sent a questionnaire to these large School Districts to determine what was the maximum length of time and what time they thought was desirable that a child should – should spend aboard a school bus.

Q. Could I have a copy of that?

A. Yes.

Q. Could we mark this Pupil Transportation Questionnaire? I believe it will be Exhibit 5?

(Whereupon Plaintiff's Deposition Exhibit No. 5 was marked for identification by Mr. Diamond.)

Q. (MR. DIAMOND) Now, when you said these were large School Districts, you meant in terms of area?

A. Area, yes.

Q. Would the Newberry Consolidated District qualify as such a district?

A. Yes. That is the Tahquamenon area schools, yes.

Q. Do you have any documents or knowledge on your own part [22] that would – by which you could tell me the maximum time and distance that a child is now transported in the Tri-County area?

A. I don't have this knowledge.

Q. Do you have any rough estimate?

A. I believe that in regular transportation – we are not talking about Special Education transportation. That is a –

MR. KRASICKY: First of all – just a moment. Do you know what he is talking about, the Tri-County area?

THE WITNESS: Yes, yes.

MR. KRASICKY: All right.

THE WITNESS: Probably not more than an hour and-a-quarter.

Q. (Mr. DIAMOND) Now, on Exhibit 1, on the bus use figure, do you make any independent investigation of whether these buses are being fully utilized or not, or whether, in fact, there is a little slippage going on?

A. The bus use column here?

Q. Yes.

A. Would indicate the use of the vehicle.

Q. The actual use of the vehicle?

A. That is right.

[23] Q. Do you ever make any investigation to suggest to a local School District, in light of your supervisory authority, to suggest to them, "You ought to use your buses a little better; therefore, instead of buying ten new buses you can use present buses and change your routes around or stagger your school hours" or whatever?

A. There are many things involved in making multiple use of vehicles. Sometimes contracts with teachers are involved. One doesn't stagger the opening and closing of schools daily unless the contract with teachers will permit it.

Q. Are there schools in Michigan that have staggered starting times?

A. Yes, yes.

Q. To take advantage of transportation?

A. That is right. It is part of our counsel to School Districts that they do provide for multiple use of the vehicles and – but

under no situation, in no situation have we directed a School District to take such action, the employment of personnel being purely a local responsibility.

Q. But in any of these studies have you suggested to School Districts that they reorganize their routes or stagger times or perhaps even take other means simply to lower the per-pupil cost of transportation?

[24] A. There is no situation in which we have gone to a School District and said to them, "Your costs are too high. You should do this."

School Districts, themselves, are much concerned about the diversion of education funds to transportation and – and such, and our part is – it is not necessary. They come to us for counsel and we advise them as to the kinds of things that they may do to reduce the cost.

Q. So have you, on the request of local School Districts – have you ever, for example, done a transportation study which would suggest to the local School District how they could lower their cost?

A. Yes, we do this on occasion.

Q. How often?

A. Perhaps once in three, four months we do this for a School District.

Q. What kind of factors do you consider in terms of making such an analysis?

A. Distance, road conditions, numbers of pupils would be the controlling factors, the concentration of pupils being an important factor. Say you have children located in a suburban area around a municipality. We would point out to that School District that they could gather half [25] a busload or a busload of children at a gathering point and rapidly move children from the schools they attend and -- to the schools they attend and repeat the performance one, two, three, four, even five times. This is possible in some situations. Where children are dispersed, of course, this is not possible.

Q. Are you familiar with – I think it is Mr. Kusey's (sic) study for Flint and Genesee? Is that –

A. I am not.

Q. – a study that purported to suggest, if you consolidated transportation systems, both public and school buses, then several School Districts, you would have certain economies of scale and other factors?

A. I am not acquainted with the study itself. I can only say that some gentlemen from the Genesee County area, with some outside consultant services, did come to me and ask for certain basic information and we made available to them some of our own studies.

Q. Do you favor such a consolidation of transportation systems?

A. We favor any consolidation in transportation that would reduce the costs provided – provided that no abuse of children would – would be involved in this reduction.

Q. Are you familiar with Ohio's new system of purchasing [26] buses?

A. Yes.

Q. Could you explain what that is?

A. Ohio, and several other states as well –

Q. Could you give us the names, for example, of some other states that do it?

A. Uh – Ohio – I would prefer to give you the information at a later date, if I may, as to just what these other states are.

Q. Yes.

A. Ohio provides a mandatory purchase of school buses through its own purchasing agency and a certain criteria must be – must be established by the School District before a – a criteria of need, of deterioration of presently acquired vehicles is established and then the bus is ordered to meet some State specifications through the State purchasing agency, the local District having the privilege, as I recall it, of adding certain additional specifications and equipment to meet its own local needs.

Q. Does this tend to lower the cost in terms of purchase order by making a larger order possible?

A. Initially the cost may very well be – be reduced through mass purchasing. There is some question as to – as to whether the element of value is acquired through this [27] procedure, inasmuch as the local dealer is eliminated in – in the mass purchasing procedure and the function of the local dealer, which is to provide service, certain guarantees, is lost, and the function must then be assumed by the local School District or by the State to provide an equal service.

Q. Do you know how the Ohio system is working out?

A. I have – I have the opinion of my counterparts and their assistants in Ohio that they consider it a satisfactory arrangement, yes.

Q. Have you considered adopting such a procedure for this State?

A. We have – we have considered it. Our lack of staff and - on the State level makes it – makes it inappropriate for us to consider taking on this kind of responsibility at this time.

Q. Do local Districts, within the State of Michigan, ever get together to cooperate on transportation either in terms of training or buying buses or sharing buses or –

A. Yes, there are have – there have been School Districts which have pooled their purchases. Specifically, Oakland County has done this over a period of years. There has been a – some of this for a portion of Jackson County, however, this pooling does not meet unanimous [28] approval on the part of administrators.

Q. Do they ever go beyond the purchase of buses to attempt somewhat to rationalize a series of small bus systems to make it into a more efficient larger system?

A. This is one of the things that happens when we have School District consolidation.

Q. You mean consolidation?

A. Consolidation of Districts. Not only are economies secured through larger transportation operations, but better use of educational facilities as well.

Q. Is it possible to do one without the other? For example, are you familiar with some of the metropolitan transit authorities that are now being set up across the country where they don't

change the city boundaries or governmental districts but they take the function of transportation and they consolidate it? Is the same possible in the school area?

A. It is possible. In fact, there has been a proposal that all transportation in an intermediate School District be consolidated in the hands of the Superintendent of that intermediate School District. These proposals have not succeeded in the Legislature, however.

Q. For example, would it be possible in the City of Detroit if transportation were to be limited to the City of Detroit [29] in terms of a Court Order of some sort, could you also, if the Court ordered it, could the suburban Districts help out the City in its transportation needs within the City?

A. No. There's no procedure whereby one School District can – one High School District can provide transportation for another High School District. In fact, we have administrative procedures which prevent the operation of one bus system inside of another, one High School District transportation system inside of another High School District transportation system.

Q. Those are administrative rules?

A. Yes, that is right.

Q. Now, are you familiar with the Southeastern Michigan Transit Authority?

A. Not very well acquainted with it. I know of its existence, yes.

Q. If there were either an offer or an Order, do you think that that Southeastern Michigan Transit Authority, given the power, could try and rationalize transportation within the Tri-County area?

A. The –

Q. Keeping students in the schools where they now are, quite apart from any movement, pupil movement?

[30] A. It suddenly occurs to me maybe I don't quite understand just what you are saying.

Q. If you remember, in the series of questions I have been asking you, I have been suggesting that the existing School Districts will remain the same, the pupil assignment will remain

the same, but for various reasons there might be only a change within the City of Detroit.

My question is: Could there be a transportation authority set up by which the capacities in the suburban areas, the skills, the management, and so forth, whereby a transportation facility could be set up to handle the school bus transportation within the school area, and in so doing help out the City of Detroit if it had any additional needs that might spring up?

A. I wouldn't rule out the possibility that such an arrangement might be made. It would seem more feasible, however, for a Detroit School District authority to recruit competent staff from the surrounding area and to establish its own operation. I – I would have considerable doubt as to the efficiency of an operation in which a number of School Districts were providing administrative staff. I would have doubt as to its efficiency.

Q. Do you think it makes any sense in the Tri-County area [31] to have 87 different bus systems, transportation systems for pupils?

A. I am not – I am not sure that the numbers provide for inefficiency. There is no doubt that where so many buses are being operated that there might be a breakdown in – in administration. There must be some units established to which each bus driver is responsible, as it were, and that – it may be that these units are now very adequate. I am not sure that bigness in itself provides for – for economies, although it would, perhaps, in Detroit itself – it would seem quite clear that there should be one unifying administration inside the City of Detroit to serve – to serve all the transportation that might be made to – towards many units.

Q. Let me ask the question differently because I didn't mean to say just bigness. What I am asking is, are there, in various School Districts that you have among those 87, ranging in Detroit from, I don't know what the smallest one would be, would it make sense, for example, for the smallest School District to have a bus system or would it be wiser for two or three of the smaller systems to get together?

A. One must consider the uses to which the bus is given in addition to transporting children to and from school. [32] Let us

take the Fairlane School District here with eight – with eight school buses; very small unit of transportation. It seems very likely that the Fairlane School District uses these buses to transport, on occasion, children between classes within the District at its own expense. It uses these buses to transport children from various classes to – to educational and recreational activities in the entire area and to have buses assigned to that local school administrator seems very pertinent and essential to its operation.

Q. Have you had a demand from parents or other persons to provide transportation either within the City, for example, because they feel that they are outside of the mile and-a-half limit, in many instances, or in the rural areas where they would like the distance lowered so they could be transported and they have gone to the School District and said there is a highway that is dangerous and we think we need a bus and they go to the State. Do they get complaints like that?

A. We get tremendous pressure from citizens and from groups of people to provide for transportation within cities, in particular. It – the pressure has – has been felt in the Legislature and every year for a great number of years we have had legislation proposed which would provide [33] for transportation for all children who live more than a mile and-a-half from the schools they attend, regardless of the place of their residence. The State Board of Education has supported this proposal.

Q. But thus far they have failed in the legislation?

A. They have failed, yes. That is right, but there seems to be increasing support for this concept.

Q. Could you tell me what the safety record has been under your administration of transportation?

A. In my opinion, and it has to be an opinion because the various means in which data relating to accidents are – they vary throughout the nation, in my opinion we have one of the better operations as far as safety is concerned. Currently, a child is 60 times as safe riding in a school bus as he is in the family automobile, and this is a nationwide statistic. Our own statistics, from time to time, is an improvement on that statistic.

Q. Does the same safety factor also occur as compared with walking?

A. We have – we have inadequate information as it relates to pedestrian safety. We have the State Police reports as to how many children between ages 4 and 19 die each year in pedestrian accidents, but – but we don't know under what circumstances these children are killed. We [34] don't have this kind of a record system. To my knowledge, the State Police do not have this.

Q. Do you have an opinion about whether the transportation of children by a school bus is safer than walking?

A. I have an opinion it is safer to be riding a school bus than walking.

Q. Is this especially true for younger children?

A. This would be especially true for younger children.

Q. Do you favor the so-called yellow bus system as opposed to the diesel-type transportation?

A. The school bus that we use here in Michigan is the most economical method of transporting passengers that has ever been devised. It is far less expensive in its operation and – than any other available transportation system.

Q. If you were giving advice to a School District that was just starting up a transportation system, would you advise them to use the yellow bus system?

A. Yes, sir.

MR. KRASICKY: Mr. Diamond, by the "yellow bus", do you mean the gasoline bus?

MR. DIAMOND: Yes, sir. I suppose in this time we might paint it a different color.

MR. KRASICKY: Not under our laws.

[35] THE WITNESS: It isn't possible if they are used exclusively for transportation of children.

Q. (MR. DIAMOND) Now, earlier you suggested that you had an advisory role and a supervisory role in terms of actual routes that were going to be used. How often do you review those?

A. We don't since – since there may well be over 20,000 school bus routes and we have limited staff. We don't review these school bus routes at all unless it is called to our attention there is a

hazardous situation or a discriminatory situation and when these situations do occur, we do make an investigation and take whatever action is necessary.

Q. Are you familiar with the cost-per-pupil figures for the rest of the nation as well as Michigan in terms of pupil transportation?

A. I read these from time-to-time. We get them annually, but again, the reporting procedures of various states are such that one must be careful in trying to compare cost figures with other states.

Q. Would you say Michigan's average cost per pupil is about the nationwide average, or is it the ballpark or –

A. I would say our costs are higher than those of – of most states, however, with states that are providing a comparable [36] service which has as large an urban population or suburban population as we do, our costs are comparatively economical.

MR. KRASICKY: Off the record. (Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) Do you have any idea, throughout the State, what kind of excess capacity there is in terms of availability of transportation facilities?

A. I would say that excess capacity is virtually non-existent.

Q. I notice here on the bus use for the Tri-County area in 1969-70, you have one school district that uses its bus only apparently not even a full trip a day on the average, whereas you have another system that uses its buses almost three times per day.

A. Uh-huh.

Q. Is there anything about the Centerline School District that makes it reasonable for it not to use its buses as much as other School Districts?

A. Well, wherever you have a small operation it is necessary to have what we call a spare bus. You have to have a bus available to use in case there is a breakdown, and these numbers of buses we have here include a spare. And one might have reduced this capacity indicated here [37] by 66 and raised this percentage to some degree.

Q. Is there any other reason?

A. It may very well be that these buses are being used more for educational purposes than they are for pupil transportation.

Q. I see. Do you have an estimate in your own mind about what the average bus use would be?

A. I –

MR. KRASICKY: Are we talking, Mr. Diamond, about it State-wide?

MR. DIAMOND: Yes, State-wide.

THE WITNESS: We have no – we have no guidance to offer in this area. We know –

MR. KRASICKY: Hold it a second, please. (Whereupon there was a short off-the-record discussion.)

THE WITNESS: We know that there are some areas of the State that it is impossible to use the buses more than once. The decision as to whether buses are to be used more than once each morning and each afternoon must be a local decision based on their knowledge of the local scene.

Q. Are you familiar nationwide with the types of averages that there are in terms of buses?

A. No. [38]

Q. In terms of urban area, let me hypothetically – if the Memphis School District, which is an urban area, it is rather large – if it used its buses on the average of three times a day, took three busloads of children, would that surprise you?

A. Wouldn't surprise me, no.

Q. In Dade County, if they used upwards to three and-a-half trips per day, would that surprise you?

A. No.

Q. Do you think it would be possible, then, to get that kind of bus use in urban areas in the State of Michigan?

MR. KRASICKY: Mr. Diamond, can we go off the record.

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) Let's take an urban area that – let's take Lansing.

A. Yes.

Q. Do you think it would be possible in Lansing, given staggered starting time, to average three trips per day?

A. There are situations in Lansing where the bus may be used three times; other places, twice; and in a circumstance I know about, only once.

[39] Q. Is there something different about Lansing, say, than Dade County that would suggest that Lansing isn't able to average 3.5, but Dade County is?

MR. KRASICKY: Off the record.

(Whereupon there was a short off-the-record discussion.)

THE WITNESS: The locations of schools would have a great deal to do with it. If the schools are widely dispersed and the pupil population is concentrated around those schools, the time that is involved in moving kids from – from the school bus stops to the school is a factor in determing whether the vehicles can be used a number of times or not. It really is a matter of time. Obviously, you don't – you don't abuse that. That bus that is on the road for an hour doesn't go out and make a second trip, and one has to have these concentrations and the short distances in order to provide for multiple use.

Q. In light of that answer, what is there about Dade County that is different from the City of Lansing in terms of transportation problems?

A. It – I – first of all, let me say I am not so knowledgeable about Miami's situation that I can compare fully the differences. The Lansing situation, where they have taken [40] in areas to the north of the City which are rural and suburban, where children are widely dispersed, requires buses to – to spend the better part of an hour in the pickup of these children. The children who – who live in the City and in the colored areas of the City where they are now cross-busing children, these – these children can be gathered in large groups, moved quickly to schools they attend, and the bus, in a few minutes, is back to the point of beginning and able to pick up a second or third load of pupils.

Q. What I hear you saying, then, is that in urban areas you can probably use the bus more than in rural areas?

A. You can if the distances are short. Now, in rural areas, of course buses can operate at, oh, up to 40 miles and hour, but in an

urban area, buses may be operating at 20 miles an hour or even less, depending on the traffic on the streets in which these buses are operated.

Q. Now, in light of those answers, what is there, again, about Dade County that is different from Lansing, Dade County being a system that has a heavy concentration of urban area. It is a huge District, probably larger than any in the State of Michigan, having many urban areas as well.

A. In a sense, Dade County is made up of many communities, [41] a community being a School District, as it were, and the children can be moved in these various communities these short distances to these schools they attend. Now, if there were one central school in Miami, or even three central schools in Miami, the transportation of these masses of children would be an impossible task to accomplish with the limited number of buses that they are using now.

Q. How would your answer be affected if, for example, just hypothetically, the average trip length in Dade County that a child took was equal to or longer than the average trip length for a child in Lansing, Michigan?

A. I –

Q. In terms of distance?

A. I don't – I don't have this intimate knowledge of the operation so that I would be able to evaluate this – this thing. I wouldn't be surprised if the Lansing situation could be improved to – to meet the efficiency of the Dade County system which is recognized as one of the best in the nation, by the way.

Q. Going back, now, to the Tri-County area in Exhibit 1, Centerline School District, assuming, now, that its transportation were not – were for non – were for just getting the children to school rather than the other types [42] of things you say might lower the bus use, if, in fact, Centerline only used its buses for transporting children to and from school and you saw that bus-use figure of 72, would you make the same kind of conclusion that someone could look at the Centerline system and possibly come up with a better bus-use factor?

A. I would say they could possibly dispose of a bus or two, yes.

Q. What is the effect of staggering the starting times on bus use?

A. Uh – in order to – in order to provide for multiple use of a bus, it is necessary to have some staggering of the operation of schools. The typical staggering operation in Michigan would be one in which first buses move out to pick up high school children, second, make a second route to pick up junior high school children. This requires that the elementary school open at a later period than the high school to avoid children waiting at the doors of the high school for long periods of time for entry.

Q. Let me ask the question in a slightly different way.

Assume with me now that you have a transportation system whereby you are picking up a set of pupils at point A. They are then being transported [43] to a school at point B. At point B, around that area, they then pick up another set of pupils and go to schools in point A.

A. Okay.

Q. And then at point A they once again turn around and take a set of pupils to point B, leave the bus there and take them back in the afternoon, the first set of pupils back to point A.

MR. KRASICKY: Are you going to put any distance between?

MR. DIAMOND: No distance for the moment.

Is that an efficient way of –

THE WITNESS: It is possible in the event there are short distances. Let me describe it as I would see it.

Q. (MR. DIAMOND) Let me frame the question so you will understand what I am saying.

You were talking about staggering of times, whereby you would be in an area, go around and pick up the children and go to school, then have to come back to the area for another pickup of children and go back to the school and have the empty bus come back again. Basically, what I have done is, the first time you take the children there, instead of coming back with an empty [44] bus, you take a full busload of children back with you. Is that going to improve the efficiency of the system?

A. Yes. If one could load a bus at one point, he could load the bus in ten minutes. It is very likely he could proceed along the route at B – at B – 20 miles an hour, or, in other words, three miles per minute, and with this expenditure of time and distance he would arrive at point B and take five minutes to unload the load of pupils. You arrive, then, at the staggering that has to take place.

Let's say, now, there are ten miles from A to B. You are going to then have – have 30 minutes spent just in the travel, ten minutes in the loading, five minutes in unloading, so you have here a total of 45 minutes.

Q. So if you staggered in this instance at three different staggered times 45 minutes apart, that bus could take three loads of kids?

A. That is right. Two loads. Two loads. He would have – he would have done this 45 – he would have this load brought from A to B and then he would repeat the process.

Q. And he would take a load back to A. That is two busloads.

A. That is two busloads.

Q. And those two schools, A and B, have to have 45-minute [45] staggering?

A. That is right.

Q. Then if there is another school next to A called C, that bus can get back there in 45 minutes to school C.

A. So then you have a total of an hour and – let's see, you have got 45 minutes; you have got 45 minutes; you have got an hour and-a-half, so you have got two hours and fifteen minutes which –

MR. KRASICKY: Mr. Diamond, could we go off the record?

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) Let's examine that statistic, two hours and fifteen minutes.

MR. WEAVER: Could I clarify one thing?

MR. DIAMOND: Sure.

MR. WEAVER: You are running students now, you are not talking about pickup at home? You are running this bus between two schools?

MR. DIAMOND: That is correct.

MR. WEAVER: You are interchanging students between the schools?

MR. DIAMOND: That is correct.

MR. WEAVER: We are not talking just about [46] the customary pickup of children at home and taking them to school?

MR. DIAMOND: We will go into that later.

MR. WEAVER: I just wanted to be clear where we are.

Q. (MR. DIAMOND) Let's examine the staggering of two hours and fiftteen minutes that you suggested. The first school you would get to, let's use – say start at 8:00 o'clock. The bus would be going for 45 minutes getting from point A to point B, so school B starts at 8:00 o'clock. He then has to have a 45-minute stagger to get back to school A, so there is 45 minutes. He then needs another 45 minutes to get back to school C, so instead of it being 135 minutes the actual staggered time between the three schools is only 80 minutes, isn't that correct?

A. No, no, you have to have –

Q. Let's run it through again.

School A, you are picking up the children there.

A. Okay.

Q. There is no starting time at school A. School A cannot open. The children have to get to school B by 8:00 o'clock. They are now at school B at 8:00 o'clock. They pick up a group of children, go back to school A. School A then [47] opens at 8:45 to allow the children to get there, is that correct?

A. Yes.

Q. Then the bus would again pick up children at school A and return back to school C, which is next to school B. It takes 45 minutes, so that school B will have to open at 9:30. Is that correct?

A. Let me – it's too much.

MR. DIAMOND: Let's go off the record.

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) What is the length of time, in terms of staggering, now, what is the elapsed time between the opening of the first school and the opening of the last school in this sytem?

A. It would be an hour and fifteen minutes.

Q. All right. Fine.

In your experience in Michigan, what has been the latest time a School District has purchased a bus and gotten it for the fall term?

A. There are many ways of purchasing vehicles. Thre are buses that are kept in stock by the school bus dealers and they are purchased off the lot as it were.

Q. Yes.

[48] A. Wherever there are large numbers of buses to be bought, it oftentimes requires as much as six months to make the purchase. One buys a chassis from a chassis manufacturer and a body from another manufacturer and these vehicles – the chassis must be brought to the body plant for assembly and it takes us a period of six months to secure the completion.

Now, there have been occasions in which even a six-month period –

Q. What is the shortest time?

A. The shortest time?

Q. Yes.

A. It is conceivable that a body manufacturer may have in its stock an equivalent chassis and he simply delivers this equivalent chassis instead of the one which was ordered and delivery could be made in a matter of a week or two.

Q. How about on the other hand, the shortest time in terms of an actual order of buses, if they don't have the stock on hand?

A. It would be my estimate it would take six months to secure the manufacture of it, of the completed school bus,

Q. Would you find it incredible if a school system got 100 buses and ordered them two months before the opening of [49] school? And they were ready by the opening of school?

A. I would be amazed, yes. It is possible, I suppose, but I would be amazed.

Q. If there are many such school systems in the country. four or five, would your answer be the same?

A. My answer would depend on the question of whether or not that body manufacturer did, in fact, have a stock of – of buses on hand which happen to meet the requirements of this order. Obviously, some of the body manufacturers will take the most popular chassis and put its most popular bus body on it and make whatever modifications need to be made and can be made in a short period of time.

Q. Would that meet the standards that you have set for the State of Michigan in terms of the safety of buses and the various specifications?

A. It is not likely.

Q. Why not?

A. Most of the states of the United States do not require school buses with air brakes, and our buses must have air brakes. They are not equipped with mud and snow tires. They aren't equipped with heaters, defrosting equipment as are Michigan vehicles. The bodies themselves often do not have what we call a snow rail, a guard rail which bands a bus to protect it, and it would be unlikely [50] that a manufacturer would have such vehicles in stock.

Q. What has your experience been with either a neighborhood system of picking up pupils or grouping of pupils at another point or a school pickup of pupils? Have you had experience with all three of those types of pickup systems?

A. I am not quite sure I understand what you are saying.

Q. Okay. I assume there is one type of system whereby the school bus goes house-to-house. There could be another type of system where there could be pickups at say five or six central routes along the way. There could be another system whereby they would pick up the children at the school?

A. Yes, a decreasing number of school Districts in Michigan are providing house-to-house pickup of children. Where house-to-house pickup occurs is ordinarily in an area where small high school districts are competing with other high school districts for pupils from primary School Districts.

Q. Why would they compete for pupils?

A. This competition occurs in the interests of getting State Aid for transportation for one thing. The more pupils they have, the more State Aid, and the competition arises also out of the need to have a full classroom, sufficient pupils for each teacher.

[51] Q. Is that true of any of the Districts in the Tri-County area?

A. This is not true in the Tri-County area.

Q. Where would this be true?

A. This would be true in Ionia County, Huron County, places where there are a number of primary School Districts where the one and two-room schools still exist.

Q. Were there ever primary School Districts in the Tri-County area?

A. Yes, some years ago.

Q. When was the last?

A. I am not – I am not sure, but there have been little or none in the last ten years.

MR. KRASICKY: Off the record.

(Whereupon there was a short off-the-record discussion.)

Q. (MR. DIAMOND) You were describing different types of pickup systems and you just suggested that the pickup at the home is virtually stopped in this day. Could you now describe what your experience has been with other pickup systems?

A. The most common pickup arrangement now is one in which the main route of travel to the bus is established, ordinarily a circular route. The school bus stops [52] beginning at a point a mile and-a-half or more from the point of beginning of the bus route, and extending at stops at quarter-mile intervals as long as there's pupil population requiring elementary children to walk to the main route of travel of the bus a half-a-mile, or high school pupils to walk a mile to the main route of the travel of the bus. This is the more efficient method of travel.

Now, the third method being one and which ordinarily occurs where non-reimbursable transportation is provided, is that being in a situation where children may be gathered at elementary schools

and then bused to junior high schools, high schools, or other elementary schools as may be required.

Q. Which of the three types of systems is most efficient or quickest or –

A. Well, of course, the method of a whole busload of pupils are gathered at one location is the most efficient method; however, many children, the distances to that school are so great that it is necessary to put the bus out on a route which will transport him from his home to the school.

Q. Now, pursuant to my question, in addition to the documents you have given me, do you have anything on the State-wide [53] totals for the number of buses owned, operated, leased or chartered, total cost of transportation?

A. Yes, that is the last item on that same document. You have here 8,771 buses; cost of $38,000,000.00, and so on.

Q. Do you have a figure, then, for the average distance one-way in the State?

A. We don't – we don't have this figure, although it has been our – our estimate that the average school bus route is 19 miles long and that being the case, the pupil lives – a typical child lives on this circular route some nine and-a-half miles from the school.

Q. And this ranges up, as I remember earlier in our conversation you gave – in my Exhibit 5, which it ranged up to –

A. Fifty-seven miles.

Q. Ranged up to fifty-seven miles.

Where is the Newberry Consolidated District located?

A. Newberry is in the Upper Peninsula and there are several counties or parts of counties encompassed in this one School District.

MR. KRASICKY: Do you know how many counties are encompassed?

THE WITNESS: Offhand, I don't have this [54] information.

Q. (MR. DIAMOND) Do you have any idea of the – in addition to these State-wide totals that you have given that you suggest basically are reimbursable, eligible children, do you have

any idea of the number of pupils, for example, within the city who take public transit?

A. I have no knowledge of this.

Q. Do you ever get reports from school systems or, for example, of course, you mentioned earlier that you had complaints especially from urban areas saying, "We want some buses too, and we want reimbursement."

Do they ever come in with their complaints to you and say children are being required to pay X number of dollars within the city, or thirty cents per trip?

A. Rarely do I get this kind of a figure. The usual complaint is that – that there's just too much demand on the use of the family car or we no longer have a car and it is a hardship for us to – to send this pupil to school, ordinarily a high school pupil that is some distance.

Q. Have you brought with you any information relating to the regional transportation arrangements or efficiency studies showing how consolidation of various types of School Districts or counties might work?

A. We have no regional developments in pupil transportation [55] here in Michigan. We don't have any projections of this kind.

Q. But a little earlier you told me that Oakland has gone to a County-wide purchasing system?

A. Yes, but so far as operation is concerned, there is none.

Q. I see. Now, within the Tri-County area, do you have any statistics on the maximum time or maximum distance involved?

MR. WEAVER: To where or from where?

Q. (MR. DIAMOND) Within the Tri-County area, do you have any statistics?

A. We have no statistics, but as I indicated earlier, I would doubt if any pupil is on a bus more than an hour and-a-quarter, no.

Q. In other words, there hasn't been a similar questionnaire sent to the Tri-County area?

A. No, no.

Q. Now, in line with the Court's oral Order of October 4 and thereafter a written Order, were you requested by any official to undertake a transportation study for various metropolitan plans that were submitted by the State?

A. No. I provided some basic information and they used this basic information.

[56]

A. I provided information which would indicate that it would – that if a school bus were operated in the one-way transportation of children, that it would probably take – that in the event it took two hours in the morning to effect this transportation and two hours in the afternoon to effect this transportation, that the cost of the transportation would be $103.60 per pupil.

A. Now, is it a two-hour trip each way?

A. No, one-hour trip.

MR. KRASICKY: Two one-hour trips, two trips.

MR. DIAMOND: Could the witness answer?

MR. KRASICKY: I'm sorry, I am trying to help him.

THE WITNESS: The assumption was it would take two hours in the morning and two hours in the afternoon to effect this trip.

Q. (MR. DIAMOND) For one group of pupils?

A. For this one bus, I am talking about this bus.

Q. I see, but per pupil costs are basically a factor of how many bus loads of kids you take on a single bus?

A. The assumption was it would be one-way busing of one load of pupils, 66 passengers.

[57] Q. The assumption was it would take two hours to take one busload of pupils from the inner city out to suburban schools?

A. Let me restate it in this fashion, that the bus was located on a school bus route which extended from a storage area into the inner city, back out to the suburbs and back again to the storage area.

Q. And it would wait in the storage area until it left to go out and pick them up?

A. Until the afternoon, yes.

Q. In fact, if it were a two-way system it would be exactly half as expensive?

A. In the event it could be all accomplished within the same period of time.

Q. In other words, if, instead of going empty back to the station you brought a busload of children, it would be exactly half as expensive?

A. Yes.

MR. WEAVER: Transport twice as many pupils for the same cost?

Q. That is what I meant for the same cost. Thank you for the clarification.

Now, if we made that estimate instead of one hour, the average trip, if we made it forty-five [58] minutes, could we then get into the system that we went to about staggering starting times in three trips, assuming it was a forty-five minute trip between schools?

A. Yes.

Q. And there were school-to-school pickup arrangements?

A. I would caution on this kind of calculation to some degree inasmuch as there must be time given to this driver to inspect his bus, to warm it up, and perhaps to make a quick trip to the gas pump to gas it up. There must be time for this operation and even checking-in in the morning might be given to it, and so one – and so what one does is add additional time to this, what I believe is a basic estimate and then recalculate the cost.

Q. But given those considerations, that hypo we went through might be conceivable, given the assumption of a forty-five minute trip?

A. Yes, yes.

Q. Now, why did you assume a one-way movement of pupils?

A. I was simply asked that question.

Q. Who asked you that question?

A. This question, I believe the man's name is Homer Smith.

Q. Were you ever asked to make the same sort of rough analysis of how much it would cost for a two-way system?

A. No, sir.

[59] Q. And from what you said, I gather, then, that any attempt to suggest that you use the one-way cost study that appears in the State plan entitled Metropolitan One-Way Student Movement and Reassignment Plan, any use of that study would not be appropriate for a two-way system of transportation?

A. It could very well be it wouldn't be appropriate, yes.

Q. Are you familiar in terms of the calculation that you made, did that calculation of the one-way student movement plan with $103.60 per pupil, was that calculation contained in a memo to John Porter dated 2-24-72?

A. It was reaffirmed in that memorandum, yes.

Q. Could you explain what you mean by "reaffirmed"?

A. Dr. John Porter asked me to – to clarify my calculation of this $103.60 and so I wrote him a memorandum which restated this, yes. The basic information which went into this report was given to Mr. Smith verbally at the time of a visit to my office.

Q. Are you familiar with the appendix C which appears in the Metropolitan One-Way Student Movement and Reassignment Plan? It is the last two pages.

A. The last two pages?

Q. Yes, the whole thing.

A. Yes.

[60] Q. Is that basically a restatement of your memorandum to Dr. Porter?

A. Yes.

Q. In any of your conversations either with Dr. Porter or Mr. Smith, did you suggest to them that a one-way pupil movement pattern was considerably more expensive than a two-way movement pattern?

A. Yes.

Q. You did suggest that?

A. Yes.

Q. Did you do any studies, then, to back up your suggestion to them?

A. The gentleman didn't appear interested at all.

MR. KRASICKY: Are you talking about Mr. Smith?

THE WITNESS: I am talking about Mr. Smith, yes.

Q. (MR. DIAMOND) He did not have a similar – did you make your suggestion that two-way transportation would be cheaper to Dr. Porter?

A. I simply indicated to him that a one-way transportation system was much more expensive than a two-way transportation one.

Q. To your knowledge, has any study been done to suggest what [61] the – either the pupil cost or the total cost would be of a metropolitan two-way student plan?

A. I made no such study.

Q. To your knowledge, does any exist?

A. To my knowledge, no.

Q. Any rough calculations of this stuff that now appear in this letter to Dr. Porter?

A. No, there hasn't been any.

Q. Is there any plan to do so?

A. It could be done if I were invited to do so.

Q. But you have not been?

A. No.

Q. And to your knowledge, no one else in the State Department has?

A. No.

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[73] Q. On page 40 of that document it refers to estimated costs of the plan. The following statement occurs, quote, "The cost of implementing a metropolitan one-way busing plan as presented in this document is less expensive than a two-way busing plan, but that plan places a heavy burden on those students who move from their home district to an outlying school district."

Taking the first part of that sentence that appears before the "but", I take it from your previous testimony that you do not agree with that statement?

A. I would say so, yes.

Q. You disagree with that statement?

A. Yes, that is right.

Q. And you stated that opinion to both Mr. Smith and Dr. Porter?

A. I simply indicated to them that – that multiple use of the bus was less expensive than – than single use of the bus and now if they assume that there is going to be a – twice as many buses, that there is going to be no staggering of the starting times, it would be clear to me that it would be twice as expensive to transport twice as many kids.

Q. Except that is not true because you can use the same bus to do it?

[74] A. If there is a staggering of the openings of schools, that is right.

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[76] . . .

Q. You happen to be in the transportation field?

A. Yes.

Q. You do attempt to try, in your capacity with the State Department of Education, to get children to school as safely and conveniently and as quickly as possible?

A. Yes.

Q. And in your opinion, in the State of Michigan, is the type of transportation that is now going on in terms of average maximum distances, is that an educationally feasible and sound thing to do to get the children to school?

A. I feel that travel of children over long distances for a great time is a hardship on the children. It is regrettable. [77] I know, however, that educational opportunities would not be available to the children without – without their having suffered this hardship, as it were, and I know of no place in Michigan where I would discontinue the transportation services because of the hardship that it provides.

Q. Now, in the language that you have just used, I take it you would think that 57 miles is too long?

A. It is too far, yes.

Q. But if the question were whether or not that child were going to receive an adequate educational opportunity, as in the Newberry School District, you think it is worth it to take that child along 57 miles of a bus route to school?

A. I do.

Q. So now, viewed in that context, I take it what you are saying to me is that in Michigan there is no excessive busing by your standards?

A. By my standards, yes.

MR. DIAMOND: I have no further questions.

EXAMINATION BY EUGENE KRASICKY, Esq.:

Q. Mr. Wagner, addressing your attention to the school district in the Upper Peninsula which has been called in this hearing this morning both Newberry and Tahquamenon –

[78] A. Tahquamenon, yes.

(Whereupon there was a short off-the-record discussion.)

off-the-record discussion.)

Q. (MR. KRASICKY) I believe you testified that based on the survey that was made, children are on the bus for a trip of 57 miles for 80 minutes?

A. YES.

Q. Are you familiar with the geographical characteristics of the Upper Peninsula?

A. Yes.

Q. Now, is it your testimony that if children didn't make that kind of a trip, they wouldn't get any education at all?

A. I would assume that they would – that a high school education wouldn't be as available to the youngster living this great distance.

Q. But you are not recommending that youngsters living within a metropolitan area such as Wayne, Oakland and Macomb travel 57 miles and be on the bus for 80 minutes each way, are you?

A. No, I am not.

Q. Earlier you testified to the so-called, quote, "eligible child", and that term is significant to determine the amount of reimbursement the school district gets, is that [79] right?

A. Right.

Q. But it is the school district that is eligible that determines whether the State school aid is paid, is that right?

A. That is right. School districts must have provided transportation before State Aid may be granted.

Q. And it must meet the terms of the statute that you made reference to, is that right?

A. That is right.

Q. The intermediate district that you spoke about is – is a school district that contains within it all of the local school districts such as Detroit and others that are constituent to the intermediate school district?

A. Yes, sir.

Q. And generally this is on a county basis although the lines of intermediate districts in the county are not necessarily absolutely coterminous?

A. Yes, sir.

Q. Do you have an opinion as to the amount of spare buses that a school district should have in relation to its bus fleet?

A. They should have a minimum of 10 percent.

Q. Do you have an opinion as to the range of hours that [80] school districts can stagger their hours and still provide an educationally sound program?

A. It – it seems fairly common to stagger hours of an elementary school to a junior high school to a senior high school at about half-hour intervals. This seems to be a feasible arrangement.

Q. Give us an example, not by name, but just a hypothetical example.

A. A school district which is able to cover the – its area with school buses in a half-hour period would be able to send out its buses three times in this period of an hour and-a-half to pick up its pupil population.

Q. Would this mean that it could start its high school program at eight, its junior high at eight-thirty and its elementary at nine?

A. Yes.

Q. Now, using the example that Mr. Diamond suggested with school districts A, B, and C, in 45-minute intervals, are you aware of any school district that is starting school at ten o'clock in the morning?

A. No, sir.

Q. Are you aware of any school districts that start school at seven o'clock in the morning where they have got to transport kids to school?

[81] A. There are some that – that start in the vicinity of seven, I mean, within perhaps 7:15 or 7:30 in the morning. This was called to my attention recently, but it is not a usual situation.

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[89] . . .

Q. Are there districts in the tri-county area that have done that without consolidation or annexation?

A. It is very likely there are.

Q. Now, you were asked your opinion as an educator whether or not there was excessive bussing in Michigan, and I believe your answer was that under the circumstances in Michigan [90] at the present time busing was not excessive.

Would you give me your opinion, please, as to – if, all things being equal, it would be preferable to have no busing if the student could obtain the same education?

A. I see no value whatever in travel by school buses. I believe it adds little or nothing to his total experience.

Q. In other words, busing is simply a necessity to get a student from his place of residence to a place of learning?

A. Yes, sir.

MR. WEAVER: All right. I have no further question.

RE-EXAMINATION BY PAUL DIAMOND, Esq.:

Q. Yes, just a few.

You testified earlier that convenience factors and safety factors as well as getting the child to a point of location were reasons to have bus transportation. Is that correct?

A. Yes. I wouldn't put much accent on the matter of convenience. It is a matter of necessity rather than – with is involved – rather than convenience.

Q. If I understand you correctly, you also testified that people who live within the distances now prescribed for State [91] Aid do file complaints wondering why they do not have transportation?

A. Yes.

Q. All right. In the remainder of the districts in the tri-county area which do not have yellow bus systems, are students still transported, for example, by public transportation?

A. There is very little public transportation available to school children. There is some in such cities as Pontiac and Flint and from time-to-time, but public transportation has been undependable at best. It functions intermittently in most cities.

Q. But one of the other districts within the tri-county area is Detroit. Would it surprise you, for example, that 50 percent of the high school students took a trip on the DSR, for example?

A. I would be surprised if it is that many, but it would be possible, I suppose.

Q. You also testified earlier that the transportation by the yellow bus was some 60 times safer than in the family car?

A. Yes.

Q. Do you have any knowledge of the car pools in the remaining – remainder of the districts in the tri-county area?

A. I have no knowledge.

[92] Q. Has anyone ever made a study of – within these other areas that do not have the yellow bus system, of the extent of the use of private car pools?

A. We have no accident data relating to that area at all.

Q. But it is your opinion that it is safer to have a yellow school bus system than to have a car pool to get a child to school?

A. This is data assembled by the National Safety Council, yes.

Q. And within cities, then, which don't qualify under the State law for transportation, reimbursible transportation, if, in fact, you have a situation where the car pools – let's say there are 30 percent of the children in that district being taken 5, 6, 7 miles to school by car pool. Is it your opinion that in this district transportation not only would be conveniently necessary but desirable from a safety factor?

A. I would say so, yes.

Q. You suggested that the school districts in the tri-county area are using their transportation to a maximum in answer to a question by Mr. Krasicky. In response to a question I asked about the Center Line School District, you suggested that in some instances you thought the bus use factors might be too low if that bus use factor reflected only that they were transporting children to school as opposed to attending school educational activities.

[93] A. Yes.

Q. In terms of the staggering of times in the tri-county area, is there much staggering done at the present time?

A. Yes, it is quite clear from this Exhibit L column that there is duplicate use of buses, yes.

Q. And if there were more staggering, are you then saying that the more staggering there is, as long as it is educationally sound, the greater utilization you will have of bus use transportation?

A. Yes, this is acceptable.

Q. Do you have any basis for saying other than it is common in the State, that the period of staggering between 7:15 and 9:30 is educationally sound?

A. I have no experience that would – or research that would indicate to me the loss of progress which might occur through extensive staggering. There have been complaints as relates to – to a family which has children departing at three times in the morning and returning at three different times in the afternoon. This represents something of a hardship to families and in the

whole complex of experience of the youngster, it seems likely that there are losses that develop out of – out of this staggering operation. in terms of vehicle use, the other is true, there are gains to be made.

[94]Q. How long does it take now, how big is the Armada School District in terms of area?

A. I couldn't tell you offhand. Since we have some 840 miles per day, one knows that – that these buses are – 14 buses travel these routes, that means that – that these buses travel some 30 miles each way, and it is an extensive piece of travel.

Q. And you suggested that it probably would take an hour to pick up the children in Armada?

A. I would say so.

Q. How long, then, does it take to transport them to a school in Armada?

A. I am talking about the total operation.

Q. I understand.

A. The bus leaves the parking lot and makes a complete circle. It doesn't travel up and down the same highway. It makes a complete circle. I would say in an hour, hour and 15 minutes, it would have completed its circle.

MR. DIAMOND: I have no further questions.

EXAMINATION BY EUGENE KRASICKY, Esq.:

Q. I have just one. In the school year 1969-70, did you pay out 75 percent of the approved costs?

A. We did.

[95]Q. You did?

A. (Nodding head affirmatively.)

Q. And in the same school year, did the Legislature amend the statute to go on record saying that they would treat children living in the cities the same way? Was there an amendment to the act to that effect?

A. This amendment did not pass. There was a statement in the State Aid Bill which would – which mentioned the transportation of children within cities on the same basis of

outside of cities, but when it came down – when the next year came around, the Legislature didn't meet this pledge.

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RECORD

[3] . . .

JOHN PORTER, Ph.D. having first been sworn by the Notary Public to tell the truth, the whole truth and nothing but the truth, testified as follows:

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[56] . . .

Q. Now, in terms of transportation, what do you consider to be a reasonable time limit?

A. No child should be on a bus any more than an hour; he's only in school for five.

Q. And in the State of Michigan, what is the average time that a child is in transit?

A. I can't answer that question.

Q. What is the longest time a child is in transit?

A. I would hope no longer than an hour.

Q. One way?

A. Yes, I'm talking about one way. I don't think the child should get on a bus before, you know – we may have, because in the Upper Peninsula and upper part of the lower peninsula, Hal Wagner tells me on occasion some children get on the bus at 6:30. I think that's really hard on [57] the children.

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[83] . . .

Q. Let's just hypothesize for a moment. A Judge has to make a decision affecting the lives of a million children. Now, are you saying to me as a professional educator and as the Superintendent of Public Instruction in the State of Michigan, you have no advice to give the Judge as to which is best?

A. I have given the Judge – the Judge has before him the information that I think addresses itself to all of the questions. The Judge also has a lot of other advice. I think the State Board of

Education in receiving all of this information, has adopted a resolution that speaks for itself. It didn't make a decision, period.

Q. I understand that.

A. Okay.

Q. If I remember correctly, the motion says that these plans are to be submitted with no recommendation?

A. That's right.

Q. Now, I'm asking you as a professional educator who is in the position of being a Defendant in this cause, what advice are you going to give Judge Roth on how to set up [84] a pupil assignment for the sake of curing the segregated condition in Detroit?

A. And I have given you that advice. My advice is that the Judge wants to cure the educational ills in Detroit; His first step ought to be to bring in some type of equality of educational opportunity; and after he has achieved that, it seems to me, some kind of quality integration program could be implemented. And I wouldn't advise him otherwise.

Q. So what you're saying to me is that he is first supposed to create within the City limits of Detroit, a system of public education that is equal to the suburban school system, is that correct?

A. That's right.

Q. And how long have we been waiting for that to happen?

A. Too long.

Q. And how much longer are going to have to wait?

A. Not much longer.

Q. And what makes you say that?

A. I am hopeful that our court system will see that the present means of providing that type of equality of educational opportunity has to be remedied.

Q. Would it surprise you to learn that the Detroit School District receives more dollars per student than the state-wide average?

[85] A. That's another issue.

Q. Why is it another issue?

A. Because you're assuming something that I don't assume philosophically. I don't assume philosophically you have to have black kids mixed with white kids just for black kids to learn.

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[92] . . .

Q. Are you familiar with methods of computing transportation costs on a per-pupil basis?

A. In general.

Q. Did you notice in Appendix C the assumption was made only one bus load of pupils would go on every bus per day?

A. I didn't. This question was raised, and I asked our specialist about that.

Q. And what was the information you received?

A. That this was computed, and that conceivably bus utilization could be developed in various ways; but that because of the fact that it's never been done this way before, this was felt to be a reasonable cost estimate. Otherwise, you could conceivably underestimate, that was the answer.

Q. Were you aware Appendix C was created in this plan for one-[93]way pupil movement plan?

A. No, I didn't.

Q. Do you think it reasonable to assume that the per-pupil transportation cost might go down under a two-way plan as opposed to a one-way plan?

A. I'm not an expert on transportation; I would have to ask our expert in transportation to respond to that question. I just couldn't respond.

Q. Would you be receptive to an answer that said the two-way pupil plan would be less expensive?

A. Sure. What's the difference? All I'm interested in is getting the children a quality education at the most reasonable cost. If someone were to come and say, "Do you realize your $21,000,000 plan is going to only cost $10,000,000?" I'd say, "That's great! Why didn't we discuss that in the hustle and bustle

of getting these plans to the Judge?" No, I don't have any hangup about this plan.

Q. What educational services are now provided on an inter district basis or on a district basis?

A. Special education, vocational education, basically those two. There are other curriculum, but those are the only two provided basically on an intra-district or regional intermediate basis – some transportation.

[94] Q. What governmental unit is responsible for regional programs?

A. Intermediate school districts, we have nothing that goes beyond intermediate school districts. In other words, we don't administer any State programs in the State office.

Q. And where do those intermediates get their authority to provide those special education opportunities?

A. Somewhere else, from the legislature.

Q. Do districts ever cooperate in the services?

A. Certainly.

Q. Could you give me an example?

A. Let me take East Lansing, Haslett and Okemos.

Q. I'm sorry, I didn't hear.

A. East Lansing, Haslett and Okemos have been operating a joint extended school year program in which students can go to either one of the three schools wherever there is a program in the summer. We have various kinds of programs, and down in Monroe County, the Ida Public Schools provide the program for all the school districts for the deaf and hard of hearing. In Oakland County, we have the Royal Oak School System principally providing the entire area through their skill center, occupational skill program. We have those cooperative arrangements in special education and vocational education.

Q. Are special statutes provided to provide for such [95] cooperation?

A. That's right.

Q. Do you know if there has ever been any cooperation between schools that goes on that is not provided for by State law?

A. Well, I assume, yes; I assume that school districts may well share programs that aren't provided by State law. I just don't have any at my fingertips.

Q. Could you tell me what the relationship is in the State between school district boundaries and the boundaries of other governmental units?

A. There isn't any relationship except in first class and second class school districts, those boundaries are the city boundaries by statute.

Q. And how many first and second-class school districts are there?

A. I think it's first and second we have; I'm not certain. We have one first class, I'm pretty sure; we had two second class districts for a long time, and I think Lansing has voted to become a second class school district, so if my statistics are correct, one first class, three second class, and about 89 third class districts, of which two of those third class districts are eligible if they vote, Livonia, and I think one other.

[96] Q. Are there fourth class school districts?

A. Yes.

Q. How many are there?

A. Three hundred, far too many.

Q. Far too many, what do you mean by that?

A. We've got 600 school districts, we only have one first class, only three second class, about 89 third class, and the rest of them are fourth class.

Q. But all that are in the first and second, there is no relationship to a governmental unit?

A. By and large legislatively, that's correct. I think that's right.

Q. And within the tri-county area, there are many school districts that overlap county lines?

A. Not many.

Q. Are there any?

A. Certainly.

Q. Does the intermediate school district overlap the county boundary?

A. Yes – just a minute, which one are you talking about?

Q. Right for the moment, take the Wayne Intermediate School District.

MR. KRASICKY: Answer if you know, John.

THE WITNESS: Yes, I will, if I know. [97] The reason I'm pausing is that I think the answer to that is yes; because when we created Wayne County Community College, we created it and called it Wayne County Community College. We created an intermediate school basis at Eight Mile Road – I'm not certain, I'm really not certain about that. But if Wayne County is squared, then the answer to the question is yes. And the only example I can give you, I think, is Clarenceville which is near Livonia. It's in the Schoolcraft Community College District, and it's in the Oakland Vocational District. So the answer to the question, I think, based on that one example would be yes. There is no coterminous boundary between the Wayne Intermediate District and the County line.

Q. Is there any relationship between school districts and other special districts, water, sewage?

A. Not that I know of.

Q. Is there any relationship between the, if you know, between those other special district boundaries and municipal boundaries?

A. No, I don't know of any, no.

Q. If you were told or asked to create a desegregation plan limited to the boundary of the City of Detroit, what criteria would you use?

[98] A. I think that I would attempt to use a combination of the racial proportion plan, the magnet plan, and the neighborhood school base metropolitan plan. And that's the kind of answer I'd give the Judge if he asked. That's the same answer I gave you before. You cannot, in my opinion, take any of these and assume you have it. I think you need the combination of the three. In some instances, I think for example, we have 200,000 elementary children, and a hundred thousand secondary students in Detroit,

and about 4,000 of them have any occupational skills program. Well, I'm not going to tell you to – I won't tell a Judge to adopt a racial proportion plan that wouldn't do the kids any good. They'll just go from the school system to society, and because they're racially integrated, that isn't going to help them. And Detroit needs to get off dead center, and the Michigan Legislature needs to get off its duff and get this done, in business and industry and in private trade. Just like the kids are doing in Oakland County, unless you have that kind of a setting, you won't have success. You can have the magnet plan, but the kids want and need that good education first. And with 50 percent of the kids dropping out in Detroit and 70 percent in the inner city, I'm not going to tell somebody to take that plan and run with it. At the same time, I [99] think there is a real intriguing concept in this neighborhood school based plan. Frankly, I don't think the Magnet Plan in and of itself is very viable. I think you have got to look at all of these. I think you've got to keep in mind the tipping point. You've got to keep the right perspective. With the magnet plan, you've got to use the right kind of magnet with the right level. Andyou've got to apply the neighborhood based school – parents aren't going to get up and go seven miles to a PTA meeting.

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[105] . . .

Q. In a plan of pupil desegregation, do you think it's at the same time important to sensitize teachers to diverse racial groups and also desegregate faculties?

A. I think it's extremely important, and that's why I, as an administrator, even though I'm actually committed to integration, full integration, the reason I'm reserved; because I have seen enough happen to kids. You can't just mix them up and assume that it's right. You know, there's a hell of a lot of a difference between mixing them up and desegregating them. Most people don't appreciate that. I think you've got to have in the schools, role figures for the children, both the white children and the black children.

Q. Of both races?

A. I think the white children have to realize all black adults aren't bums; and I think all black children have [106] to realize there are whites who can teach them just the same way as

blacks. I think you have got to have that. I think that's why you can't go pell mell with some plan that's going to be out of kilter; I think you have got to have a climate whereby you have integrated staffs, you see, and secondly; it just doesn't do any good, just to integrate the staff, you have to have a professional development program for the staff that will enable them to be responsive to kids. Just sending a black kid out to Dearborn or Garden City isn't going to necessarily help that child or children if that teacher in Dearborn or Garden City is hung up.

Q. Who's responsible for those kinds of things?

A. We proposed in the State Board recommendation without Judge Roth's decision you can't do it without the resources that are necessary.

Q. Without Judge Roth's decision you are going to have children from Dearborn attending the Detroit Public Schools?

A. No, no.

MR. KRASICKY: That's not a fair characterization.

THE WITNESS: I didn't say that at all. We have recommended to the Legislature it is absolutely essential that we have money set aside. In fact, [107] eventually $30,000,000 to provide for the professional development of the teaching staff of Michigan; money that cannot be negotiated. That is part of the equality of educational opportunity. Now, that is absolutely essential, I didn't say anything about what you said. You and I keep running opposite along this railroad track at times. And, well, we've made the proposals that would bring about, in our opinion, the equality educational opportunity. I'm not going to put all my children – and all 2.2 million I consider my children – in a difficult situation until we can get the kind of support we need to carry out a comprehensive educational reform program.

Q. So what you're telling me is until such time you can get the equality opportunity for black children in the City of Detroit, they are to be given an inferior education?

A. I didn't say that at all.

Q. Is that a result of what you are saying?

A. That is not a result of what I am saying. You asked me a question: How would I advise the Judge, and I have given you my

advice. You know, if the Federal Judge in Texas can do something, I figure the Federal Judge in Michigan can too. If the Federal Court in Minnesota can do something, so can the Federal Court in Michigan. I have [108] enough confidence in the Federal Court in Michigan that they can do whatever is necessary.

Q. I have to say I have to agree with that opinion, but I have to figure out why you want to have a delay in having him do something?

A. I haven't said anything about a delay.

Q. During the period of time, how ever long it would take, either one year or two years or three years, during which time you testify there are schools in the City of Detroit which are inferior to the suburban schools, yet these children still remain assigned to these inferior schools?

A. Well, that's an entirely, you know – let me respond to that question by twisting it around. If I were convinced that putting that kid on a bus and moving him through the impediments of Detroit to Dearborn, and if indeed he were able to be received with open arms in Dearborn and get a quality education, I would have no hesitation of supporting one of these programs. But I am not convinced Dearborn is going to respond to that child at this stage of the game, or any other school district, because they are not equipped yet.

Q. How are they going to become equipped?

A. I think along with any of these, you have got to have the kind of things we've been talking about; and that takes [109] a little time. That takes a little time. And that's why I said you have got to do it in stages. If you really want to do this thing, you may say to Detroit, you start taking these kinds of steps, and say to somebody else, by George, you better give these teachers and those citizens a one-year intensive study in democracy and in how to deliver services to various racial groups and weed out those people that wouldn't be responsive, that are merely going to make the children feel inferior.

Q. How are they to be weeded out?

A. I don't know; don't ask me. There are all kinds of legal questions. I already told you the problems involved. These are the pains and struggles an agency has to go through. That's the reason

I wouldn't jump up and down and say we should move without realizing what has to happen.

Q. Is the State Board responsible or are you personally responsible in any way for reviewing de-annexations from school districts?

A. The State –

MR. KRASICKY: Just a moment, what do you mean by de-annexation? That's not a term in Michigan.

MR. DIAMOND: Do you understand what I mean by that term, Dr. Porter?

[110] MR. WEAVER: I don't understand, I'd like to know what the question is aimed at, too.

MR. KRASICKY: Detachment of territory? We talk about annexations of a whole district.

Q. (MR. DIAMOND) Are there situtations in the State of Michigan, Dr. Porter, where an area that is now part of a school district, can attempt to opt out of that school district?

A. We have annexation by statute whereby school districts can apply to the intermediate school district for property transfers. We call it property transfers. We do not have policies for making policy transfers at the State Board level; that's a legislative act. There are certain procedures, all the State Board does is review the action of an intermediate school district upon appeal and the Board either upholds or overturns that action. The Board has never made a property transfer, and there is enough legal precedent that says the Board does not have that jurisdiction.

Q. How many times has the Board reviewed such property transfers in the past 10 years.?

A. Oh, I can't answer that question. I would say maybe on the average of about four a month; that would be 48 a year.

Q. So there are school districts four times a month in which [111] there are parts of the school districts that want to opt out?

A. Right.

Q. And what has been the general record, if you know, of the State Board's review of such property transfers?

A. I couldn't give you an accurate estimate. I would say from my three years that about 95 percent of all the cases, maybe even 98 percent are upheld. You know, the intermediate school district is responsible for this by statute. The State Board upholds the intermediate school district in 98 percent of the cases, 98, it could be 99.

Q. How does that correlate with your earlier answer that there were too many school districts?

A. That doesn't, it has no connection. The number of school districts has nothing to do with the number of property transfers. All you're saying, this is a school district, and this is a school district. The two school districts stay the same except this little guy wants to go over here; but the two districts never change unless through reorganization. So we don't have the kind of de-annexations that you may be referring to.

Q. In the State of Michigan, do school buses cross district lines with pupils?

A. Well, now, I can't respond. I assume you mean - I don't know what you mean. If you're saying –let me give you [112] an example, that children in Lansing are bused outside of Lansing, I don't know of any instances like that unless there is a cooperative arrangement. But if you're saying to me that if Lansing, for example, juts out some place, and this bus has to pick up a kid here and go through Lansing to get into another district, oh, yes, that happens.

Q. And there are situations where children in one district attend school in another district?

A. I would assume that there are a few relationships like that; but I couldn't give you a specific example in the regional and vocational centers. Well, in some special education, yes, but those are cooperative agreements. We also identified that.

Q. I understand that.

A. Sure. But I though you were talking about an elementary school child going to an elementary school in another district, that's an entirely different issue.

Q. In a primary school district where the children are too old to attend the schools that are located in the primary school district, do they cross district boundaries to get to another school?

A. No, there has to be an agreement by the high school district to receive the students.

Q. And if there is no such agreement, what happens to the [113] pupils?

A. That's a problem. That's one we are trying to face right now, and we tried to eliminate the non-high school districts. We only have 85 left. That's a real problem.

Q. Are there any situations in the State where those children are not accepted by a school district?

A. We have had several instances where they were not accepted, but we have been fortunate enough to have them placed in other places.

Q. How do you do that?

A. By having the local district, the other local district agree to accept the students for a couple of years or something like that, until such time the district would either annex, or the district would begin to develop a high school program.

Q. I'm going to read you a statement and ask you whether you agree with it. "Action was taken by Michigan school districts to reduce the harmful educational effects of racial isolation be consistent with the equal educational opportunity position of the State Board of Education. Once such actions are taken by duly constituted authorities, public support is vital to their success. The State Board of Education urges public support of conscious and constructive efforts to achieve racial integration in the [114] schools."

A. I wrote that, isn't that a State Board Education policy?

Q. Do you agree with that statement?

A. It sounds very much like the 1966 and '71 statement.

Q. Do you agree with the statement?

A. Unless there is something in it – let me read it.

MR. KRASICKY: Isn't it a fair thing to identify what you're reading?

Q. (MR. DIAMOND) It's a statement by the State Board.

A. I thought it was. Identify it for me.

Q. I believe it's a statement you made when the Detroit School Board adopted the April 7th plan.

A. Yes, that's what I thought.

Q. And do you agree with that statement?

A. I just told you if it's a statement I made, I have to obviously agree with it.

Q. You might have changed your mind.

A. Hell no, why would I change my mind? Nothing has happened in 40 years that would change my mind.

Q. Do you feel the submission by the State Board of Education of six plans of desegregation with no pupil assignment plans included, and the opposition of your attorneys in court to such plans of desegregation is in compliance with the Court Order?

[115] MR. KRASCIKY: I object. I think the question is argumentative and based on some premises that are false. First of all, the State Board plans were submitted without recommendation.

MR. DIAMOND: Is that a false premise?

MR. KRASICKY: No, but they are not his plans; they're the State Board's plans. And they're submitted without recommendation. Secondly, I think it's inappropriate to ask the witness to comment on what his attorneys are doing in the lawsuit. You're entitled to his testimony as to what he knows and what his testimony is, what his beliefs and his opinions are. I think this exceeds those bounds. I think the question is improper.

MR. DIAMOND: After noting that objection –

MR. KRASICKY: I don't want you to answer it unless the Court orders you to answer it. If you want to put it another way and get it out of the area of objection, I don't care.

Q. (MR. DIAMOND) Is the assumption correct that the State Board of Education filed no plan of its own for metropolitan desegregation?

A. I think the assumption is that the State Board transmitted to the Judge these documents which reflect the inputs [116] by and large they received without recommendation. I think the record speaks for itself on that.

Q. Do you think that that action coupled with the failure to include the actual pupil assignment plan is consistent with the State Board's statement that I just read to you?

A. I can't respond to that, but what I will respond to is this, knowing how hard we worked to get this much done within the time that was available and all of the approvals and discussions that had to take place which meant the State Board literally between November 1 and February 1 worked at least 90 days. And out of those 90 out of 120 days, you got the best that you could conceivably get under the circumstances.

Q. Does the statement I read to you represent the present position of the State Board of Education?

A. I can't respond to that; that represents my statement.

Q. It represents your opinion?

A. Yes.

MR. DIAMOND: I have no further questions.

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Supreme Court of the United States

No. 73-435

Allen Park Public Schools, et al.,

Petitioners,

v.

Ronald Bradley and Richard Bradley, by their mother and next friend, Verda Bradley, et al.

ORDER ALLOWING CERTIORARI. Filed November 19 ----------, 19 73.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Sixth ----------Circuit is granted. The case is consolidated with Nos. 73-434 and 73-436, and a total of one and one-half hours is allotted for oral argument.